AT-LARGE ADVISORY COMMITTEE
ALAC Statement on the Draft Final Report of the NomCom2 Review

Introduction

Satish Babu, the Asian, Australasian and Pacific Islands Regional At-Large Organization (APRALO) Chair, developed an initial draft of the Statement on behalf of the ALAC.

On 06 May 2018, the first draft of the Statement was posted on its At-Large workspace.

On that same date, ICANN Policy Staff in support of the At-Large Community sent a Call for Comments on the Statement to the At-Large Community via the ALAC Work mailing list**.**

On 07 May 2018, the ALAC Chair submitted comment. On 07 May 2018, the ALAC Chair requested that Staff open an ALAC ratification vote.

In the interest of time, the ALAC Chair requested that the Statement be transmitted to the ICANN public comment process, copying the ICANN Staff member responsible for this topic, with a note that the Statement is pending ALAC ratification.

On 11 May 2018, Staff confirmed that the online vote results in the ALAC endorsing the Statement with 12 votes in favor, 0 vote against, and 0 abstention. Please note 80% (12) of the 15 ALAC Members participated in the poll. The ALAC Members who participated in the poll are (alphabetical order by first name): Alan Greenberg, Andrei Kolesnikov, Bartlett Morgan, Bastiaan Goslings, Hadia Elminiawi, Holly Raiche, Javier Rua-Jovet, John Laprise, Kaili Kan, Maureen Hilyard, Ricardo Holmquist, Sebastien Bachollet (paper ballot). 3 ALAC Members, Alberto Soto, Seun Ojedeji and Tijani Ben Jemaa, did not vote. You may view the result independently under: https://www.bigpulse.com/pollresults?code=675837kApRrwKpevK76SR4VLqR.

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A. Preamble

1. Given that ICANN's Multistakeholder Model depends on balanced participation from all stakeholders in the policy formulation process, and as the ICANN Nominating Committee is mandated with ensuring that a fair, participatory process exists to identify and appoint individuals for the leadership positions, the periodic independent external review is important to ensure that the NomCom continues to function effectively in the face of changes in the ICANN community and environment.

2. The ALAC is therefore thankful for this opportunity for commenting on the recommendations of the draft final report of the NomCom Review.

B. Recommendations

Recommendation 1: Formalize a job description	Agree. ALAC has already internally started a process of drawing up job descriptions. Diversity (particularly of Gender) should be a consideration.
Recommendation 2: Training to NomCom members for BoD	Agree, as long as the training does not attempt to coerce members to a preset agenda. NomCom members must keep the overall interests of ICANN as well as the Global Public Interest in mind as general guiding principles.
Recommendation 3: Training for NomCom Leadership	Agree on training. The current arrangement of Chair-elect seems to work fine, and it may be disruptive to appoint a Chair while another Chair is serving the role.
Recommendation 4: Training for NomCom members for Candidate Evaluation	Agree.
Recommendation 5: Role of a professional consultant	Agree, with the stipulations that (a) the process of identification of the consultant must be free and fair, and (b) the same consultant should not continue for a set number of years (say two years).
Recommendation 6:	Agree, with the same caveats as for #5.
Recommendation 7: A maximum of two two-year terms for NomCom Members	ALAC considered the current system of 1+1 years, which we feel is somewhat short, but at the same time, several of us find 2+2 years to be too long (both from locking up a potential leader, and

	also from making room for others). We would like to propose 2+1 years as an alternative to 2+2 years in case the latter is not acceptable by other constituencies. Further, additional co-ordination between constituencies to stagger appointments for continuity will also help.
Recommendation 8: Maintain current size of NomCom	Agree.
Recommendation 9: All NomCom members should be voting members	Agree.
Recommendation 10: Review every 5 years	Agree.
Recommendation 11: Senior NomCom Support Staff should report to the CEO	Cautiously agree: Given that the NomCom Chair and Chair-elect report to the BGC, their support Staff reporting to the CEO has the potential to create crossed wires, besides constraining the NomCom leadership. If such issues can be avoided and if the proposed arrangement has the potential to enhance the flexibility of the NomCom, only then it is worth implementing.
Recommendation 12: NomCom leadership should have input on NomCom budget	Agree. Given the situation that some ICANN meetings are convened in places where some NomCom members, particularly from At-Large, find it difficult to obtain visas, the NomCom should be allowed to convene their face-to-face meetings in places where it decides and not be forced to follow the ICANN Schedules. This has budget implications. In any case, functional autonomy of the NomCom implies a degree of control over its own budget.
Recommendation 13: Publish a Process diagram	Agree.
Recommendations 14, 15, 16	Agree.
Recommendation 15:	Agree.
Recommendation 16:	Agree.

Recommendation 17: Maintain NomCom Diversity at current levels	Do Not Agree: Diversity is usually something that we can never have enough of, particularly given the Multistakeholder composition of ICANN. While there may be challenges in increasing NomCom diversity, we have not yet reached a point where the diversity is sufficient (noting that even the Gender diversity requirements are not met during all years).
Recommendation 18:	Agree.
Recommendation 19:	Agree. Here is where an external professional agency can help out
Recommendation 20: Preliminary screening by external consultants	Do Not Agree: The preliminary screening should be done by the NomCom itself (as it was done this year). Besides being fair, this would also be cost-effective. Screening by an external party has the risky as its effectiveness is not easy to judge.
Recommendation 21: Standardized Matrix	It may not be practically feasible to create such a matrix, but if this can be done to the satisfaction of NomCom members, it could be tried out.
Recommendation 22: Standardized interview questions	Agree if this is feasible.
Recommendation 23: Publish additional data on the Candidate Pool	Agree, subject to GDPR Compliance at all stages of handling personal data.
Recommendation 24: Assess the performance of the Board as an indicator of NomCom selection efficiency	Agree, assuming that the performance of the individual NomCom appointees can be assessed individually
Recommendation 25: Advancing its nominations process into a Leadership Development function	Do Not Agree: This is outside the remit of the NomCom
Recommendation 26: Clarity on Independent Directors	Do Not Agree: Currently the NomCom-appointed Directors are a mixture of independent directors and ICANN insiders. There is no reason to further "harden" this structure as the current system seems to be working reasonably well.

C. General Comments

One the whole, the ICANN NomCom system has been working fairly well considering the significant challenges that it functions under. The NomCom Leadership as well as the members have taken on the onerous task of candidate selection, and have worked under time pressure and heavy workloads. The ALAC appreciates the work of successive NomComs.

The following comments are made in the overall spirit of making further improvements to the functioning of the NomCom, as well as in addressing the additional challenges ICANN is likely to encounter from its operating environment, particularly the demand for increased transparency in selections to key leadership positions.

1. As noted in the report, the ICANN NomCom is different in its function compared to most other Nominating Committees. The ICANN NomCom is more of a Selection Committee than the generic Nominating Committee (see: https://en.wikipedia.org/wiki/Committee#Nominating_committee), whose main task assigned is to identify a slate of candidates for different positions, which is then voted on by the membership. In this way the NomCom subsumes some of the membership's powers, and consequently, it should be much more accountable to the community.

2. A significant related concern is that since the NomCom is a much smaller group of people (than the membership), whether it is possible for a small group of NomCom members to 'game' the candidate selection process. In this regard, the somewhat opaque and confidential nature of NomCom processes makes it difficult for a NomCom member to refer to even her appointing constituency if in case of doubt.

3. The current review has steered clear of both the above concerns. As an independent, autonomous organization, ICANN would be subject to more intense public scrutiny in future, and perhaps it's important to dispel any doubts on these important issues.

4. The current practice is for each NomCom to start "on a clean slate" as far as its operations are concerned. In order to retain and re-use the best practices of previous NomComs, it is suggested that a living document on NomCom best practices be maintained by Staff with inputs reviewed by the NomCom leadership. The "firewall" between consecutive NomComs is not desirable, particularly since a number of members would be common between the two.

5. Confidentiality has been an important part of NomCom's functioning. While confidentiality needs to be maintained at the core, wherever open, transparent processes can be adopted, they should be. An opaque NomCom is not in the best interests of an otherwise open, transparent, bottom-up Multistakeholder organization such as ICANN.

6. The 360-degree evaluations that used to be carried out for each NomCom member and for the leadership team have not found a place in the review recommendations. If provided in time, these may be useful for the NomCom to provide feedback to the appointing constituencies on the performance of their appointees. A single composite score aggregating individual scores may also be useful in assigning an overall evaluation for the whole NomCom. The practice should therefore be continued.

7. Since NomCom collects a great deal of personal data from individual applicants, it needs to ensure compliance with the requirements of GDPR.

8. There are several recommendations that touch upon the need for training. As a general point, members of NomCom should be rather guided to understand the broad ecosystem of ICANN, the

challenges it faces and the leadership that it requires, rather than provide them only with specific skills. In particular, the importance of non-verbal cues such as body language, which may require specialized training.