Comments to "Tentative timetable for the NomCom Process"

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This document contains my personal comments on the "Tentative timetable for the NomCom Process", a sub-section of the "Second Interim Implementation Report". These comments are personal and do not reflect the view of any of the entities I am involved with (i.e. ISOC Italy, icannatlarge.com, or the At Large Organizing Committee). While I have comments on other sections of that Report, and specifically on those regarding the At Large Advisory Committee, I will contribute them to the discussion of the ALAC Advisory Group of which I am a member, in view of a group document about them.

While it is desirable that the NomCom preserves some degree of freedom about the way it wants to organize its work, the practical implementation of the selection process is way too crucial to the effectiveness and accountability of the new ICANN structure to leave it to the tastes of any particular instance of the NomCom. For example, if, as stated in the draft timeline, *"NomCom meets as needed by telecon, pursuing consensus and/or taking votes until its selections are completed."*, then the order in which potential candidates are put to votes might deeply change the outcome. This is why, in my opinion, there needs to be some more degree of formalization of the process the NomCom will use for determining its selections.

Personally, I hope that voting won't be always necessary; that each NomCom member will propose candidates that can show broad vision and act super partes, rather than people who would only defend the specific interests of their constituency; and that the NomCom as a whole will be able to reach by discussion an agreement on the complete set of appointees, rather than end up running a small scale replica of an electoral process among its members, or fostering public and private bargains among the constituencies to gain votes for each one's favourite candidate. However, real life shows that not all disagreements can be taken to a compromise, and not all specific interests can be put aside, so provisions for a fair and open selection process must be inserted in a solid way.

If any instance of the NomCom ever ended up, for example, by showing up an alliance between a majority of the constituencies who selected its members to exclude candidates proposed by the remaining minority, that would end up as a hard blow to ICANN's credibility. This is why I believe that, as the last step in the process, the final set of appointments should be put to votes as a whole, and approved with a very qualified majority (i.e. 80% of the voting members); this would reduce risks of capture and force the NomCom as a whole to come to an agreement. If this majority cannot be reached, there should be a "cooling period" of at least three days, and then another vote should be called by the Chair (possibly on an updated and more agreeable list of appointments), requiring the same qualified majority – and so on.

While the Committee should be free to work out its own process, its phases should be better identified; one risk, for example, is to have a long unsorted list of people under consideration up to the end, that would not allow real and deep analysis on each individual, so that in the end decisions are taken at the last minute in a hurried way. The difficulty of reaching a very short final set of appointees from a very long list of candidates in a meaningful and rational way has been evident in past processes – for example, in the first round of the 2000 At Large elections. In that occasion, more than 150 names were submitted as potential Board members, only for the At Large constituency! If the Committee has to work on a list of 50-100 names or more, either it will come to

conclusions based on preconceived opinions, or it will make superficial choices. On the other hand, it seems impossible to find reasonable and objective criteria for pre-qualification, to avoid having an excessively high number of candidates right from the start; for example, individual endorsements, in the absence of a verified At Large Membership, can be faked or captured quite easily.

This is why I would devise a process in which there is a free-entry initial list, then a first round of analysis and decisions to reduce the list to a manageable size, then the final round of decisions. So the process should be subdivided into more detailed phases:

1. Collection of nominations and endorsements of candidates (Day 35-50)
2. Analysis on the initial list of candidates (Day 50-65)
3. Reduction to a pre-final set (ie, 2-3 times the number of seats to be filled) (Day 65)
4. Deeper analysis on the remaining candidates (Day 65-80)
5. Reduction to a final set and final approval (Day 80-90)

In the first phase, every individual (or constituency) should be free to submit names to the NomCom, or even to nominate itself. I don't think there should be particular entry barriers at this stage; there should be a public endorsement mechanism, for example a web forum, so that candidates can gather and show their support, but there should not be a binding condition such as a minimum number of endorsement to enter into this first list. However, there should be a standard submission form, so that each name is accompanied by an uniform set of documents, including a personal statement, a CV, and any information that could show the person's suitability for the position; even candidates that have been nominated by someone else should supply themselves this material by the deadline of phase 1, as proof of acceptance of the nomination.

In the second and third phase, the NomCom would take into consideration the whole list of candidates, with a first round of liaisons with the SOs, the Committees and the community in general, to then reduce it to a fixed size, according to the skills of the candidates and the support they have received. At this stage, diversity requirements should already be known, so that the Committee can ensure that there are candidates in the remaining list that can meet them. The NomCom should try to approve the new list with a single qualified majority vote (ie 80%); this should force the Committee to have a discussion on the candidates and try to agree a good set to be approved. If this majority can't be reached, the Committee could then pass to a preferential vote, so that the candidates with the highest number of preferences will stay. The result of the vote should be immediately made public.

In the fourth and fifth phase, the NomCom should repeat the process, again collecting input and preferences for the remaining candidates from all the community, the Advisory Committees, the SOs etc., and then would come to the final vote as described above, with qualified majority votes separated by cooling periods. During the fourth phase, the endorsement forum should be reopened, so that endorsements could be shifted to those candidates who are still under consideration.

I also note that, given the introduction of the At Large Advisory Committee, the list of Advisory Committees that are to be consulted by means of mandatory teleconferences ("Day 35-80") should be updated by adding the ALAC to the list. I think that, even if the process is not formalized as described above, there should be more than one mandatory telecon with any liaising entity – at least one at the beginning, to get input and suggestions for names, and one at the end, to get opinions on the appointments under consideration.

Finally, I would like to add here some comments about the criteria of selections to be adopted by the NomCom (section 2.B.3 of the main document).

About item b., I would add that not only the set of appointees as a whole should have familiarity with the different constituencies and issues that ICANN has to deal with, but that the fact that a possible appointee has experience in more than one of these constituencies and issues, even if participating to ICANN for one constituency only, should constitute a significant plus in favour of his choice.

About item c., I would stress more clearly that diversity must not be limited to geographical diversity. In ICANN discussions, due to geopolitical reasons, often diversity has been automatically intended as geographical diversity, also because this form of diversity is easy to guarantee by simple rules referring to an individual's nationality. However, other types of variety among the users, the professionals and the Internet industry must be taken into account. Thus I would mention other types of diversity, such as diversity in career, in social outcome, in gender, in age; all these factors should be considered.

Finally, I would add another item, which is "Support by ICANN and Internet communities". Even if Board members could be found outside of the usual ICANN communities, and thus be completely new to the ICANN environment, I personally think that the ability to build profitable personal relationships with a number of ICANN constituencies and participants, and with Internet users and participants to other Internet bodies, should be considered as a plus; this ability could be demonstrated by a past history of participation in ICANN and by explicit statements of support by individuals in a public forum. Though this should not be the sole or the main criterion used to select the appointees, it should definitely be taken into account.