

Comments of the Registries Stakeholder Group

Draft Report of the Nominating Committee [NomCom] Review Finalization Working Group

November 21, 2009

The Registries Stakeholder Group (RySG) welcomes the opportunity to submit comments on the Draft Report of the NomCom Review Finalization Working Group. In particular, the RySG has focused on the questions / issues addressed on pages 13, 15 and 16 of the Draft Report, namely those pertaining to (1) size and diversity (2) membership and leadership and (3) non-performing NomCom representatives. The comments of the RySG are grouped accordingly under each of these three categories.

The comments that follow represent a consensus position of the RySG as further detailed at the end of the document.

Size / Diversity

The RySG believes that the existing size of the NomCom [22 members] helps ensure a wide representation of interests and allows for a range of viewpoints and backgrounds amongst NomCom members, necessary for recruiting and reviewing a diverse candidate pool and for making selections. It also enables the NomCom team to break out into smaller subgroups as necessary to fulfill its various duties.

It is important to recall that as currently structured, each NomCom contains a number of members that have served in the previous year as well as a new wave of members that are entirely new to the process. Given the strict oath of confidentiality placed on the NomCom, this mix of old versus new allows for a balance of experience and fresh thinking which is invaluable. There is also a mix of voting versus non-voting members on the group although while this adds an interesting dynamic, it largely does not matter because non-voting members are not excluded from any activity other than the final vote.

The RySG is of the opinion that effective deliberation and selection - two reasons cited as being grounds for reducing the group size to somewhere between 7 to 15 members – can equally be assured through a well designed candidate filtering and decision making process. For that reason, any reduction in group numbers should be small, if any. Additionally, one issue that is not addressed in the report is the need to establish clear criteria for the NomCom chair. No group, regardless of size, can perform to its best ability if there is not a strong chair in place.

Selecting NomCom members from stakeholder groups goes a long way to ensuring trust in the NomCom as it provides for a balance in opinion and expertise throughout the entire deliberation process and helps bring about diversity in candidates. It also reflects the importance of the bottom-up, multi-stakeholder system so well established within ICANN.

Clear written guidelines and recommendations should be provided to ICANN entities, including the NomCom, on such matters as diversity (to include gender and geographic diversity). However, the RySG

suggests that any objectives in that regard take the form of recommendations only, as opposed to hard and fast rules. In that way, NomCom members will continue to strive for the best candidates overall, while taking into consideration important issues such as diversity, without being strapped into making decisions that hinder the presentation of quality candidates to the community. The problem of gender diversity in particular is best fixed at source by encouraging a more diverse set of candidates to apply for open positions.

As regards the strawman proposal set out on page 13 of the report, the RySG believes that the suggestion to have 3 ALAC voting members versus potentially only 1 Registry and 1 Registrar voting member is a strong imbalance that will skew the perspective of the NomCom – in general, it is important to preserve the balance between the two sides of the GNSO. In relation to the conversion of the Technical Liaison Group (TLG) representative and the IETF representative to voting members, while keeping SSAC & RSSAC as non-voting members, there is neither logic nor precedent to support this move. The TLG's structure and rationale itself is currently under review. The elevation of the TLG and the IETF to voting roles and the continued demotion of SSAC & RSSAC representatives to non-voting roles is puzzling and not representational. In addition, the elimination of a GAC role in the NomCom is undesirable, especially in light of the recent Affirmation of Commitments and the GAC's increased prominence in the community.

Membership / Leadership

The RySG supports the second option presented by the reviewers on page 15 of the Report, whereby the Board would appoint the NomCom chair one year in advance; the incoming chair would participate as a non-voting observer in the NomCom before the one that (s)he will lead. The role currently played by the immediate past chair would thus be left vacant.

While also providing for an element of continuity and ensuring some knowledge transfer, such a process would allow the incoming NomCom Chair to view firsthand the working procedures of the NomCom and would enable that person to then 'hit the ground running' once his/her term begins. The RySG feels that binding a Chair to a 3 year process, as suggested in option 3, may be impractical.

Non-Performing NomCom Members

The RySG supports the guiding principles set out on page 16 of the Report, namely:

- *A NomCom member may be removed by the Chair based on objective criteria, following notice to the member, and due consideration of the member's response to the notice;*
- *Removal of a member is to be adopted by a two-thirds majority of the voting NomCom Members;*
- *Preliminary notice is given to the entity that has appointed the member.*

However, such support is offered on the proviso that (1) there is an appeals process available to the non-performing NomCom member and (2) the ICANN entity from which the non-performing member originated has the opportunity to provide a replacement member.

GNSO gTLD Registry Stakeholder Group Statement of Support with regard to these Comments

A majority of 8 RySG members supported this statement:

- Total # of eligible RySG Members¹: 14
- Total # of RySG Members: 14
- Total # of Active RySG Members²: 14
- Minimum requirement for supermajority of Active Members: 10
- Minimum requirement for majority of Active Members: 8
- # of Members that participated in this process: 14
- Names of Members that participated in this process:
 1. Afiliás (.info)
 2. DotAsia Organisation (.asia)
 3. Dot Cooperation LLC (.coop)
 4. Employ Media (.jobs)
 5. Fundació puntCAT (.cat)
 6. mTLD Top Level Domain (.mobi)
 7. Museum Domain Management Association – MuseDoma (.museum)
 8. NeuStar (.biz)
 9. Public Interest Registry - PIR (.org)
 10. RegistryPro (.pro)
 11. Société Internationale de Télécommunication Aéronautiques – SITA (.aero)
 12. Telnic, Limited (.tel)
 13. Tralliance Corporation (.travel)
 14. VeriSign (.com, .net & .name)
- Names & email addresses for points of contact:
 - Chair: David Maher, dmaher@pir.org

¹ All top-level domain sponsors or registry operators that have agreements with ICANN to provide Registry Services in support of one or more gTLDs are eligible for membership upon the “effective date” set forth in the operator’s or sponsor’s agreement (Article III, Membership, ¶ 1). The RySG Articles of Operations can be found at http://www.gtldregistries.org/about_us/articles .

² Per the RySG Articles of Operations, Article III, Membership, ¶ 4: Members shall be classified as “Active” or “Inactive”. A member shall be classified as “Active” unless it is classified as “Inactive” pursuant to the provisions of this paragraph. Members become Inactive by failing to participate in a Constituency meeting or voting process for a total of three consecutive meetings or voting processes or both, or by failing to participate in meetings or voting processes, or both, for six weeks, whichever is shorter. An Inactive member shall have all rights and duties of membership other than being counted as present or absent in the determination of a quorum. An Inactive member may resume Active status at any time by participating in a Constituency meeting or by voting.

- Alternate Chair: Jeff Neuman, Jeff.Neuman@Neustar.us
- Secretariat: Cherie Stubbs, Cherstubbs@aol.com

Regarding the issue noted above, the level of support in the RySG for the Constituency statement is summarized below.

1. Level of Support of Active Members:

- 1.1. # of Members in Favor: 12
- 1.2. # of Members Opposed: 0
- 1.3. # of Members that Abstained: 0
- 1.4. # of Eligible Members that did not vote: 2

Minority Position(s): N/A