Nominating Committee (NomCom) Rebalancing - LACRALO's Response

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?**

Response:
The California Nonprofit Public Benefit Corporation Law ("CNPBCL") under which ICANN is chartered has no specific definition or requirement for Committees to be "balanced" or "diverse". Sec. 5212 only sets minimum majority requirements for appointment of Committee members which may be superseded by the charter or bylaws. Article 1 of ICANN By-laws in turn lists as one of its core values guiding its actions "(vii) Striving to achieve a reasonable balance between the interests of different stakeholders, while also avoiding capture". In a corporation the best indicator of balance is that provided by numerical power of its shareholders or contributors, with a public benefit entity, unless properly defined, each stakeholder may have their own concept of balance.

This is because achieving balance is subjective and with NomCom's role unchanged, it will remain subjective and ever changing. As a result, it is important to define what balance means, and the definitions should take into account several diversity criteria including by gender, geography, community sectors, and skill levels.

*Each year the receiving SO/AC and Boards presents the skills and competencies profile that advises the best fit selectee for their purposes to the NomCom. If the business objective of the NomCom remains the same and the community remains the source from which the collective good is to emerge, then balancing should occur **within** the ICANN community. Therefore all SOs and ACs are to be represented at the NOMCOM in a similar fashion as the ALAC is represented from each region and is relevant and balanced. For example: LACRALO has its sub regional balanced by rotation and this gives us a good balance. Moreover, inside each SO/AC the composition is for them to define the representation they believe will be good for them. In addition, each AC/SO, besides sending the best candidate, should implement some kind of diversity criteria at least regarding geography and gender among their representatives each year. Furthermore, balancing of the NomCom could be achieved by extending the vote to current non-voting members of the community - RSSAC, SSAC & GAC - for "community balance".*

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

Response:
LACRALO supports the view that the current composition of the NomCom needs to be rebalanced. However this should be accomplished at the level of each AC/SO where their focus should be on geography and gender rebalancing instead of the number of representatives. If rebalancing means increasing the voting membership from the current 15 to 18 members, that is not recommended. Furthermore, the number of delegates should remain odd and not even to avoid the occasional tie. LACRALO believes that enlarging the NOMCOM will not facilitate the rebalancing process, and will represent unnecessary cost. This is because enlarging the number of NomCom delegates would lengthen the time of

discussions, and increase logistics and staffing costs, mechanisms besides increasing the delegates should be found for the increase in number of applications to be reviewed. However, empowering current non-voting members (RSSAC, SSAC and GAC) is the way to rebalance current composition.

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

Response:
LACRALO supports an annual assessment of the balance or at whenever the criteria for selectees change, the demanded skill-sets and experiences for those entrusted with the selection should change. There was however a dissenting view suggesting that rebalancing for the sake of rebalancing creates a distraction from the main purpose of NomCom, and therefore the assessment of balance should be less frequent such as no less than 5 years unless requested by and SO/AC.

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

Response:
LACRALO recommends that the current composition of the NomCom should not change.

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

Response:
LACRALO recommends that the work should be conducted by each SO/AC based on well defined parameters. If this is not possible, then the option to outsource could be considered.

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

Response:
LACRALO already has an internal criteria for sub region rotation to balance participation of the four sub regions. As such LACRALO already has geographic criteria for this (and all other representation criteria . We might add internal criteria for gender. While this may address the geographic criterion, other criteria, such as experience may be compromised.Therefore the region should also ensure that all defined criteria for balance is achieved in the selected candidate. Mentoring and capacity-building initiatives should be conducted to prepare the candidate rather than try to legislate a priori a diversity which will always be subjective. In addition, a minimum 2-year appointment should be considered for each appointee. There is a learning curve. And current yearly appointment is inimical to good outcomes for appointees.