January 13, 2018

The ICANN Board
The ICANN CEO

Dear Mr. Chalaby & Mr. Marby

**Notice of Administrative and Operational support necessary for
2018 Nominating Committee to carry out its responsibilities[1]**

Firstly, please accept the NOMCOM's thanks for the quick turnaround on the Board Guidance[2] which is much appreciated and will be of great assistance to the Nominating Committee (NOMCOM) in its independent assessment and selection of candidates.

The NOMCOM bears the **collective** responsibility to select ICANN Directors and other positions stipulated under the Bylaws. The Bylaws also state that "ICANN *__shall__* provide administrative and operational support necessary for the Nominating Committee to carry out its responsibilities." Immediately, upon coming into existence in Abu Dhabi the 2018 NOMCOM, based upon experiences and recommendations from last year, feedback received from various sources in meetings including the Board,[3] made decisions to implement its administrative and operational plan for 2018.[4] We have, however, been informed that ICANN will require Board approval to make available funding for the plan.

There were two urgent priority decisions taken at Abu Dhabi by the NOMCOM to address gaps in the NOMCOM's process (in reverse order of priority), for which we are informed funding is unavailable[5]:

1. To improve and enhance sources of recruitment in terms of a more **diverse** pool of applicants (geographic, gender, experience and especially candidates **beyond the ICANN community**), and address concerns of less than satisfactory support from the incumbent Recruitment Firm, the NOMCOM has **decided to hire an additional Recruitment Firm** to redress concerns and assist in finding good diverse quality candidates. The NOMCOM has attempted to implement this improvement for the last 3 years but always been informed that because the NOMCOM comes into existence so late in the cycle that the NOMCOM had no option but to confirm the incumbent Recruitment Firm. Some early planning this year overcame this challenge and NOMCOM staff was directed in Abu Dhabi to implement this decision. Unfortunately, it was only after staff had gone ahead and contracted the incumbent firm and only as late as the 2nd week of January that NOMCOM staff informed us that no funding for the additional firm was available.

2. In recent years the NOMCOM has not had the opportunity to meet face to face during the period of April to June when the NOMCOM performs its assessment and selections[6]. NOMCOM's in past years being challenged by the severely limited time for assessment and selection have focused their energies on Board candidates and have had little or no meaningful opportunity to give adequate time for assessment and selections for other ACs/SOs. The criticism received from the

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[1] *"Article VIII Section 6. ADMINISTRATIVE AND OPERATIONAL SUPPORT "ICANN **shall** provide administrative and operational support necessary for the Nominating Committee to carry out its responsibilities."*

[2] "Guidance from the ICANN Board to the Nominating Committee Re: Important Skills for Board Members" dated 21 December 2017

[3] A BGC member in meetings with the NOMCOM explained how he had received feedback from former ICANN Board candidates who thought that the current process of selection was antiquated and that all candidates were not properly considered by the NomCom.

[4] These requirements were communicated to ICANN staff at the earliest (the very week the new NOMCOM was seated).

[5] Estimated costs for both items are attached in Annex 1 & 2

[6] By the time NOMCOM meets for final selection June/July the slate is locked to just 5 names or less per slot

ccNSO last year and the controversy regarding the GNSO selection are just a few well-known instances that speak to the necessity for improvements to address what we believe are serious gaps in the process. The NOMCOM needs to responsibly discharge its core function of assessment and selection of candidates in a collective, thoughtful, deliberative and considered fashion. We believe that an inability to meet face to face during this sensitive period forms part of the problem and prejudices the quality of the work; undermines the expectations of the community; and the responsibilities mandated by the Bylaws. Thus, as part of the immediate improvements going forward the NOMCOM has **decided to conduct two face to face meetings during this core assessment and selection period**:

First when the 100s of applications received are considered and reduced to just a score of candidates (requiring extensive work just due to the size of the data and number of applications needing consideration and discussion)	Previously undertaken by NOMCOM members individually through an online survey rating applications without an opportunity to discuss or deliberate prior to rating each application. Then on a 2-hour call cutting off the list of applications based upon an arbitrary score usually leaving only 30 applicants in play.
Secondly then undertake in depth consideration of the reduced number (requiring extensive in-depth research and extensive discussions between the members).	Which is then reduced to 15/20 and then 5/6 over 2 calls of 2 hours each.

Apart from challenges related to control over sensitive data that this process poses, we believe that this method of sorting and members rating candidates online (without collective discussion) and eliminating them through an arbitrary cut off score followed by minimal discussion and consideration of each application offers less than the due consideration that the applicants expect and deserve. The duration and quality of this deliberation and assessment is in no way helped by the endemic failures of the ICANN communication platforms where, for the past three years, members cannot hear, cannot speak, or simply cannot connect. This is particularly problematic for our members who reside in developing parts of the world where good Internet access is challenging. For the members who can participate, we have found that large portions of each call are simply wasted on attempting to figure out the various technological difficulties. While ICANN staff has (and continues to do) an outstanding job assisting us, the problems remain and we have found it difficult if not impossible to efficiently undertake our work on these calls. Moreover, it is almost impossible to maintain a collective, considered and deliberative focus of a volunteer group for 6 weeks in such challenging circumstances. There are significant gains both to the NOMCOM and to ICANN Org from a thorough evaluation of candidates by the NOMCOM in a deliberative and thoughtful manner. It is important to underscore that in past years the NOMCOM used to meet face to face during this crucial period but since the NOMCOM staff submitted the budget for this year unilaterally and leadership was kept from participating in the budget planning phase no funding is available for such an eventuality.

You will note that the two decisions mentioned above are also relevant to the search for candidates and consideration of the qualities and skills suggested in the Guidance received from the Board e.g. Diversity, Management Experience, Cultural Awareness etc. We also note that face to face meetings will provide an opportunity to maintain the highest level of control over data elements. While these measures are deviations from previous years they are designed to be responsive to the needs of the community based upon recent events and NOMCOM's own analysis of what is necessary in this regard. We believe that compared to the overall value to ICANN the cost for these additional items appears relatively reasonable.

We have been informed that ICANN currently faces challenges in this year's budget (prepared a year ago) with respect to funding these activities. Unfortunately, the NOMCOM being a new independent committee each year has no way of submitting its requirements a year ahead of coming into existence. Appreciating the fact that these changes have financial implications, we would like to cooperate in ensuring that the changes allow us to stay within a reasonable overall budget constraint. In this respect, we are prepared to take certain austerity measures mentioned further below. However, it is challenging to plan or make timely requests for support if despite requests, information regarding budgets is not provided by NOMCOM staff. For instance, we were presented with a *fait accompli* this year when in regards the Recruitment Firm it was only after staff had contracted the older (less satisfactory firm) that were we informed that there were no funds for a new/alternative firm. Similarly, the budget for 2018 was submitted by NOMCOM staff unilaterally without any consultation with either the Chair or Chair Elect. If we are to have the responsibility of delivering our product satisfactorily, then we must also have the authority to be able to allocate or reallocate our resources in a manner consistent with undertaking our work in the best possible way. Not having the autonomy to set our own budget or plans leads the NOMCOM to either accept the plan predetermined by NOMCOM staff or seek support at the earliest in terms of Article VII section 6 of the Bylaws. The NOMCOM staff related issues are now being addressed by John Jeffreys to whom we are grateful and it is based upon his suggestion that the NOMCOM writes this letter to explain that having not participated in the budgetary planning for this year previously we seek assistance for necessary support of our operations. Being sensitive to ICANN's financial constraints we have decided to forego: the additional direct managerial resources requested for the NOMCOM while we work with John to fix the earlier support issues. In addition, as Chair I am willing to forego my business travel support this year. As a fall back in case ICANN is unable to provide support in terms of Article VIII section 6 of the Bylaws, the NOMCOM may then need to seek sponsorships and donations to meet its expenses.

Lastly, the need for these measures is the product of over 4 years of collective experience in cause analysis by the Leadership team and those members of the NOMCOM who have served in multiple years. These priority items are urgent and have unanimous support of the NOMCOM membership.

Therefore, we hereby officially bring the requirements of the 2018 NOMCOM for funding its most critical administrative and operational improvements this year to your notice for allocation.

Warm regards,

Zahid Jami-Chair of the 2018 NomCom
Hans Petter Holen-Associate Chair of the 2018 NomCom
J. Damon Ashcraft-Chair Elect of the 2018 NomCom

cc: John Jeffrey, Esq.
General Counsel and Secretary at ICANN

Encl. Annexes 1& 2

Annex 1:

Cost Estimate for 2 Face to Face Intercessional provided by ICANN staff:

North America (Los Angeles or Wash. DC)
Airfare: $36,000 (bus class for LT and Econ for members)
Hotel: $15,000 (22 people for 3 nights, includes two staff)
Per Diem: $5120 (4 days @$65/day for 20 people)
Conference and catering: $10,000 for two days
Total: $66,300

Europe (Frankfurt or Brussels)
Airfare: $44,200 (bus class for LT and Econ for members)
Hotel: $15,000 (22 people for 3 nights, includes two staff)
Per Diem: $5600 (4 days @$70/day for 20 people)
Conference and catering: $12,500 for two days
Total: $77,300

Annex 2:

Cost Estimate for Additional Recruitment Firm provided by ICANN staff:

US$ 50,000