

29 September 2017

TO: Mr. Hans Petter Holen, Chair, ICANN Nominating Committee

CC: Marita Moll

CC: ICANN Chair, ICANN Board

Dear Mr. Holen,

At its regularly scheduled meeting on 21 September, ccNSO Council **resolved** that the Nominating Committee's selection to ccNSO Council is unacceptable for reasons set out in this letter.

Council consists of 15 elected Councillors (three per ICANN Geographic Region) and 3 Councillors proposed by the Nominating Committee. The purpose of Nominating Committee-selected Councillors is to ensure different perspectives and expertise are available to Council. This balance arose from long and intense discussion among ccTLDs and between the managers and the ICANN Board's Reform and Evolution Committee.

Over the course of the years, ccNSO Council has developed **specific, additional selection criteria** for the role of NomCom appointed Councillor – which were produced for Nominating Committee, at the Committee's request, most recently in 2012¹, an extract of which states:

"To maintain the current balance, the ccNSO Council strongly advises the Nominating Committee not to appoint members who are directly or indirectly associated with a ccTLD manager (either as a Board member, employee, or advisor) nor Board member or employee of a Regional Organisation."

Council's view (none dissenting) is that your Committee's proposed selection directly contravenes this requirement, notwithstanding despite the clear and explicit assurance we received in 2012 from the then Chair of the Nominating Committee that the Committee would be *"avoiding any member already belonging to the cc TLD management participating in the ccNSO"*.

Your selection is on the Board of Directors of the Canadian Internet Registration Authority (CIRA).

CIRA is responsible for the management of the .ca (Canada) ccTLD. This contravenes the above quoted criterion that a Councillor selected by NomCom not be a board member or employee of, or advisor to, a ccTLD manager.

Our concern is further aggravated by the fact that CIRA (.CA) is already represented on Council by an *elected* Councillor.

In the Council's view,

- (a) this conflict is irreconcilable;
- (b) this conflict is, accordingly, unacceptable.

Council is of the definite view that Ms Moll needs to choose between the two roles.

Furthermore, ccNSO Council believes that this proposed appointment contravenes the Nominating Committee's avowed role and mission to add independent voices to the ccNSO and would disrupt the balance of Council. Accordingly, Council has asked me to formally request that your Committee explain how it intends to assure that historic commitments made by the Committee are respected and complied with, going forward.

We will be writing separately to your selection, Ms Moll, to apprise her of our concerns and ask her to inform us of her position in the matter.

¹ <https://ccnso.icann.org/about/nomcom-appointee-requirements-21dec12-en.pdf>.

Yours sincerely,

Katrina Sasaki, ccNSO Chair