

14<sup>th</sup> January 2013

Internet Corporation for Assigned Names and Numbers, Inc. (ICANN)

VIA ELECTRONIC MAIL

Dear Sir or Madam,

I would like to express my interest to serve as an Independent Expert on the Affirmation of Commitment (AoC) Reviews Second Accountability & Transparency Review Team (ATRT).

I believe that my background and circumstances would allow me to make a knowledgeable, impartial, and valuable contribution to the work of the Team for the following reasons:

**I am independent from ICANN and without any conflict of interest:**

- Unlike other former ICANN Board members, consultants, and members of staff, when I left ICANN in May 2010 I ceased to have any engagement with the ICANN community - and in fact I made it a condition of subsequent professional engagements that I would not be involved with ICANN issues. I held myself to a high personal standard (beyond my ICANN obligations) to avoid even the appearance of conflict or impropriety.
- The Computer & Communications Industry Association ([CCIA](#)), for whom I work, is not a part of any ICANN process, constituency, or community.
- I have no investments or financial interest of any kind related to the remit of ICANN, nor do any members of my family. I cannot think of any non-financial interest that exists, either.

**I have a deep understanding of ICANN and its work at a practical, political, and technical level:**

- My staff work with ICANN as a staff Director and Senior Director from 2006 to 2010 provides me with a deep understanding of ICANN's processes, structures, and issues, as well as ICANN's Board, staff, and community. My substantial knowledge, combined with the required level of independence, will be a valuable combination to the Team.
- My pre-ICANN professional life includes direct, hands-on experience with the DNS and Internet technology at a technical level dating back to 1992. I understand what ICANN is responsible for and the practical application of the unique identifier system.
- I have been engaged in multilateral policy impacting on and relating to the Internet and the DNS for more than a decade - from intellectual property to Internet governance to world trade. As the only industry association represented on-the-ground in Geneva, and from the ICT sector to boot, I have an understanding of the environment in which ICANN must live and work multilaterally, as well as the positions of member-states across the spectrum of positions that they take on ICANN and its work.

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NICK ASHTON-HART

**I have significant expertise across several of the areas listed in the call for expressions of interest:**

- Not-for-profit organisation governance, the applicable law related to California not-for-profit organisations, and corporate governance more generally: My involvement at ICANN speaks for itself. In addition:
  - I was the chief executive of the International Music Managers Forum, a not-for-profit organisation based in the United Kingdom and the international umbrella NGO representing a key community of the creative sector.
  - I was a board member of a California-based 501(c)(3) in the late 1980s called Shelter the World involved in international sustainable urban development policy.
  - Currently I serve as a key member of staff for CCIA which is a 501(c)(3)-organised entity headquartered in Washington DC.
  - I have been a Director, Executive Director and Managing Director of businesses in both North America and the United Kingdom for more than 15 years.

In short, I am very familiar with being a fiduciary in various roles in companies, both for profit and not-for-profit, operating in multiple legal jurisdictions as well as all kinds of corporate and organisational governance structures.

- My involvement with multistakeholder policy and decision-making environments - and my ability to contribute to their constructive evolution - has been proven at ICANN and elsewhere:
  - I know how transparency and accountability mechanisms work and how to evaluate them and the ICANN community is well-aware of this because they've watched me deliver on those commitments. During my tenure, I helped design mechanisms to implement transparency and accountability concepts throughout all levels of the At-Large community, and the public participation function of ICANN is still implementing a number of measures that I proposed and the Board's Public Participation Committee endorsed.
  - My expertise in these processes goes far beyond ICANN: I am now and have been for more than two decades involved with UN agencies, umbrella NGOs, and for-profit stakeholders engaged in a wide variety of multi-stakeholder decision-making processes.
  - I have successfully led large coalitions with diverse interest groups successfully for years. This includes my present efforts as the founder and co-coordinator of [Copyright for Creativity](#) in Europe and my leadership (for 10 years and counting) of a coalition of industry, civil society, and governments related to the negotiation of a treaty protecting broadcasting under discussion at the World Intellectual Property Organization.
- In terms of knowledge of processes I believe my tenure at ICANN speaks for itself:
  - In At-Large I helped the community design rules of procedure that help to ensure equality of representation across regions but also within regions.
  - With full community consultation, I designed and led the implementation of election processes using the most advanced electoral models to ensure the outcome of elections produces a result that the greatest number of electors most favours.
  - I designed public participation systems across ICANN - such as the remote participation model for meetings in use today - that have

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dramatically increased the ability of members of the ICANN community to meaningfully participate from anywhere in the world. Participation was significantly enhanced in activities ranging from ICANN's public meetings down to the working group level.

- Strong advocacy for an effective Ombudsman function to ensure redress of inter and intra-community issues.
- I advocated internally over a long period for the proposition that ICANN's staff, consultants, and Board should have a Code of Conduct with obligations beyond what is required of California corporations with respect to fiduciary obligations: I recommended development of such a Code starting from that of the International Civil Service, modified as required and then subjected to public consultation with the community.
- I introduced to ICANN's PPC and staff colleagues the idea that a key to future development and legitimacy of ICANN as a whole was to engage the foremost experts on public consultation systems in reviewing, root and branch, all such systems and proposing relevant amendments based upon global best practice for the community to consider.
- I engaged with with the GNSO and At-Large independent review processes and follow-up, providing advice and proposing measures to implement best practices to develop the capacity, legitimacy, and inclusiveness recommended by the reviews.

In summary, I believe that I am well qualified and that my appointment would be welcomed by the ICANN community and staff who see me as someone with a track record congruent with the objectives of the Team but also as someone who has exemplified the kind of behaviour that former staff should take in not attempting to exploit their former position for private gain or to acquire a voice in ICANN's policies by virtue of my former position. Finally I believe that a thorough knowledge of the workings of ICANN and the interrelationship between accountability and transparency mechanisms across the board is knowledge members of this committee must have. In this regard I believe I am well-qualified.

I thank you for your kind attention and look forward to hearing from you in due course on this matter. I am at your service if any further information is required. I would be happy to provide referees in any aspect that's useful in taking a decision on my candidature.

Yours sincerely,

Nick Ashton-Hart

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