

## **Request for Comments on New Consumer Constituency and Charter:**

The ongoing GNSO Improvements process has created significant community interest in the formation of new GNSO constituencies. One of those proposals is for a new Consumers Constituency. Proponents of the Consumers Constituency originally submitted a New Constituency Petition and Charter to the ICANN Board on 14 April 2009. A revised version of the proposal, responding to several Board inquiries was submitted to the Board on 15 September 2009.

All members of the ICANN community and the public are now invited to review the revised petition and charter of the Consumers Constituency and share comments with the Board through 13 February 2009.

### **Comments - Affirmation of commitments**

Key commitments have been made by ICANN, including commitments to:

- (a) ensure that decisions made related to the global technical coordination of the DNS are made in the public interest and are accountable and transparent;
- (b) preserve the security, stability and resiliency of the DNS;
- (c) promote competition, consumer trust, and consumer choice in the DNS marketplace; and
- (d) facilitate international participation in DNS technical coordination.

Delivering effectively on the commitments in (a) and (c) in particular will require direct input from Consumer Representatives. The formation of a Consumer Constituency within the NCSG in the GNSO is a very clear signal that ICANN Board intends to and is able to meet these important commitments. The need for effective advocacy in ICANN policy development on behalf of consumers is growing. Consumers are relying on the Internet more and more for everyday transactions between themselves and community agencies, government services and businesses. ICANN decisions must reflect the commercial interests of industry and the public interest concerns of consumers as users of the DNS.

A formally established Consumer Constituency would provide a structure within ICANN for this work and would attract support from Consumer Organisations working across the range of issues in the

transition to what is variously described as an Internet Society, a Digital Economy and Information Society.

I make the following specific comments on the basis of my experience in other roles:

### **Chairman INTUG**

This position is voluntary and involves co-coordinating policy and advocacy activity on behalf of national user associations interested in competitive, advanced communications services for their members, who are business or consumer users of communications services.

INTUG has two Consumer Organisations – AFUTT (France) and Alconsumidor (Mexico) – that have expressed interest in ICANN participation.

### **APECTEL and Expert Adviser at OECD CISP meetings**

The focus of APECTEL meetings among APEC member economies is on the development of advanced communications infrastructures and liberalized market policies for communications services. APECTEL stakeholders are from the economies around the Asia Pacific Region including PR China, US, Japan, Indonesia, Australia, Chile, Peru, Mexico among the 22 members.

APECTEL has undertaken work on the interests of stakeholders and Consumer Groups within the APEC economies. I believe the Guest Status ICANN has at APECTEL and APECTEL's interest in consumer issues would provide a path to increasing the diversity of participation in the Consumer Constituency and GNSO policy processes.

Since 2008 INTUG has participated as an Expert Adviser to the OECD's Communications Infrastructure and Services Policies Working Group. This meeting has discussed a number of Internet related policy issues and developments. OECD CISP is a multi-stakeholder community with representatives from the 30 member countries and support from Business, Civil Society and other stakeholders. Again the opportunity exists for expanded membership in the proposed Consumer Constituency through OECD Forums.

### **ATUG – participation in ACCAN development**

In 2008 the Australian Government reviewed the participation of consumer groups in communications policy development and implementation in Australia. A multi-stakeholder group was involved in reviewing existing arrangements and proposing a new structure, responsibilities and funding base for a new organisation, ACCAN – the Australian Communications Consumer Action Network. I note ACCAN is supporting the proposed Constituency.

## **Specific Comments on the Notice of Intent to Form a new GNSO Constituency**

### Section 1.0 Constituency Mission/Purpose

The title “Consumer Constituency” will provide a ready point of entry into ICANN for Consumer Organisations interested in ICANN issues such as the development of new generic and internationalized Domain Names, the security and stability of the DNS, competition, consumer trust and consumer choice.

I agree the right “home” for the Constituency in the NCSG of the GNSO.

The emphasis on “public interest” in the Affirmation of Commitments makes the development of effective public interest advocacy on consumer issues essential for the GNSO:

4. DOC affirms its commitment to a multi-stakeholder, private sector led, bottom-up policy development model for DNS technical coordination that acts for the benefit of global Internet users. A private coordinating process, the outcomes of which reflect the public interest, is best able to flexibly meet the changing needs of the Internet and of Internet users. ICANN and DOC recognize that there is a group of participants that engage in ICANN's processes to a greater extent than Internet users generally. To ensure that its decisions are in the public interest, and not just the interests of a particular set of stakeholders, ICANN commits to perform and publish analyses of the positive and negative effects of its decisions on the public, including any financial impact on the public, and the positive or negative impact (if any) on the systemic security, stability and resiliency of the DNS.

While there is responsibility at GAC for “public interest” outcomes, GAC is an advisory committee, whereas GNSO is a policy forming body with the ICANN structure and needs direct input on public interest issues from a Consumer Constituency within the NCSG of the GNSO.

### Section 2.0 Membership

2.1 The Consumer Constituency Charter would have to be reviewed to ensure coherence with the overarching NCSG Charter when this is finalised.

2.2 It is possible that some of the existing members of NCSG may wish to join the Consumer Constituency

2.4 Once a Consumer Constituency is formally established in ICANN, it will be easier to introduce Consumer Groups to ICANN and vice versa. At present ICANN presents an imponderable face to outsiders – particularly those just realising that participation in the Internet Community is a key role in the coming decade and organisations from countries where the tradition of Consumer interests is more recent. Perhaps GAC could play a role in expanding the global reach, numbers and diversity of the Consumer Constituency.

2.5 Constituency Recruitment activities will need support from ICANN due to the resource constraints and asymmetry that exists between the commercial and non-commercial groups in ICANN. Australia provides a good model with government funding for an independently chartered organisation ACCAN.

**Rosemary Sinclair**

MD ATUG  
Chairman INTUG

GNSO Councilor  
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