

# **Registrar Constituency Position re Board Governance Committee Working Group's Report for Recommended GNSO Improvements**

**April 17, 2008**

## **BACKGROUND**

In March 2008, the members of the Registrar Constituency ("RC") were asked to provide feedback regarding the Board Governance Committee ("BGC") Working Group's Report for Recommended GNSO Improvements ("Improvements"). Five RC members provided feedback. The responses ranged from short summaries expressing general feelings to multi-page detailed responses regarding each of the recommended Improvements. This Position Paper captures the overall sentiment expressed in the feedback received from the RC members, while also calling attention to the more specific concerns expressed therein.

## **INTRODUCTION**

The RC generally supports the BGC Working Group's Report for Recommended GNSO Improvements. However, the RC expresses caution regarding the implementation of certain proposed Improvements. Additionally, if any of the proposed Improvements are eventually implemented the RC strongly encourages the adoption of all Improvements as a group, rather than adopting some Improvements but not others.

## **POSITIONS AND RESPONSES**

The RC's responses to each of the recommended Improvements are expressed below:

### **1. Adopting a Working Group Model**

The RC supports adopting the working group model. The RC believes that the working group model will foster participation from a broader set of constituencies and transfer the policy making work load from the Council to the community.

However, the RC is extremely concerned that a working group may be "hijacked" by a particular interest group. The RC strongly recommends that safeguards be incorporated to minimize the risk of hijacking. Such safeguards may include rules for selecting neutral group chairs, policy report authors, and even experts. Furthermore, the RC strongly supports transparent measures to handle conflicts of interest and clear processes for appealing the decision of a chair.

The RC also is concerned that the size of the working groups may eventually become quite large. As such, it is expected that ICANN should provide sufficient staff and administration. The RC believes that participants in working groups should not incur excessive "costs" -- such as international phone or video conferencing technology charges

-- as part of their participation. Moreover, ICANN funding of the working groups should be limited to only reasonable expenses necessary for the working groups to operate productively and efficiently. To that end, wherever possible, technology that facilitates remote meetings should be used to minimize costs.

## 2. Revising the Policy Development Project (“PDP”)

The RC supports revising the PDP to make it more congruent with ICANN’s policy development needs. Furthermore, the RC agrees that “the Bylaws should be amended to make clear that ‘consensus policies’ can be created only on a set of defined issues and in accordance with certain procedures, with reference to ICANN’s contracts”.

Additionally, the RC believes that the timeline for the PDP should be dynamic so that the Council has the freedom to evaluate how much time is required for each individual project and then calendar accordingly. For example, the “WHOIS” PDP continued for several years. The current PDP rules provide for a fixed consideration window of only three months, which clearly is not sufficient time to fully explore each project.

It is also important to the RC that a procedural framework is developed so that the process is both systematic and predictable.

## 3. Restructuring the GNSO Council

The RC fully supports restructuring of the GNSO Council as well as the revised constituency representation and voting rights plan. The RC believes that the proposal strikes the necessary balance between contracted and non-contracted parties, and is a fair compromise for the abolition of weighted voting.

Consistent with current RC practices, the RC supports establishing term limits for Councilors, as well as ensuring geographic diversity of the Council members. The RC also agrees that the Council should have the authority to determine, via a supermajority vote, whether working groups comply with the rules, and, if not, what the appropriate remedy should be.

The RC is concerned that transitioning the Council from a legislative body to a more administrative body that oversees and coordinates legislation may diminish the attractiveness of this important, yet time consuming and voluntary position.

Finally, the RC requests further clarification of the relationship between the non-commercial registrants’ relationship with the ALAC and the members of the active list of the former General Assembly. Specifically, as each of these groups purportedly represents the individual user, it is unclear to the RC which group actually does represent such interests.

## 4. Enhancing Constituencies and Improving Communication and Coordination with ICANN Structures

The RC supports more frequent communication among GNSO constituents along with other Supporting Organizations and Advisory Committees. In particular, the RC supports more interaction not just at the Councilor level, but also across constituencies. In general, the RC believes that the procedures and operations of all constituencies should be sufficiently transparent, accountable, and accessible.

Finally, the RC believes that communication as a whole could be enhanced by utilizing better communication and collaboration technologies and tools such as “Webex” for teleconferencing and community edited “Wikis.”

## **CONCLUSION**

The RC generally supports the BGC Working Group’s Report for Recommended GNSO Improvements. The opinions expressed by the RC in this Position Paper are the opinions of the RC as a whole, and should not be interpreted to reflect the individual opinion of any particular RC member.