***DRAFT 2***

**RECOMMENDATIONS - SUBTASK 1**

**GNSO OSC CONSTITUENCY & STAKEHOLDER GROUPOPERATIONS (GCOT)**

**WORK TEAM**

**Background**

After several GNSO reviews, the ICANN Board Governance Committee (BGC) created a working group (WG) to consider the results of the reviews and recommend a comprehensive proposal to improve the effectiveness of the GNSO, including its policy activities, structure, operations and communications. The BGC WG produced a comprehensive set of recommendations: “BGC-WG Report on GNSO Improvements” that were approved by the full Board (<http://www.icann.org/topics/gnso-improvements/gnso-improvements-report-03feb08.pdf>).

This report has been extensively referred to in preparing this Recommendation Document.

## As a follow up to the above referred report, the GNSO Council formed two steering committees. The Operations Steering Committee (OSC) formed three work teams. The OSC Constituency Operations Team, subsequently called the OSC Constituency and Stakeholder Group Operations Team (OSC OSG WT).

## In this document, WT will mean OSC OSG COT Work Team. It has a Wiki page at:<https://st.icann.org/icann-osc/index.cgi?constituency_operations_team>

## The WT with GNSO staff, created a Work Plan and broken down the Plan into Tasks and Subtasks. This document can be seen in the above referred Wiki page. S. S. Kshatriya (SS) volunteered to Lead Task 1, Subtask 1. Other WT members volunteering to work for Task 1 Subtask 1 are: Victoria McEvedy, Claudio DiGangi and Rafik Dammak.

# The Subtask 1 is discrived as: Develop recommendations for a set of participation rules and operating procedures, which all constituencies should abide by. Subtask 1 was further divided into three sections and these have been detailed in the recommendations.

## In addition to the BGC-WG report, we referred to Constituency renewal and Stakeholder Group (SG) charter documents submitted to the Board for approval (<http://gnso.icann.org/en/improvements/renewal-process-en.htm>) as well as Staff Analysis of Constituency and SG Charters that can be seen in WT Wiki page.

**RECOMMENDATIONS**

**Section 1. Participation Principles**

The BGC Report at p.43 mandated the development of “…constituency-developed participation ***rules for all constituencies*** that encourage openness, transparency and accountability. The rules must adhere to the following ***principles***..”

The criteria for participation in any ICANN constituency should be objective, standardized and clearly stated.

• Admissions decisions should be transparent, including how these decisions are communicated, and how many applicants are successful.

• General information about each participant application and decisions regarding admissions should be publicly available. Each constituency must keep records of successful and unsuccessful applicants.

• Each constituency should maintain up-to-date records of all current members, and this information must be publicly available.

• There must be a clear avenue of appeal for an applicant rejection to a neutral third party.”

This cross Constituency Subtask group has developed the following rules to implement this recommendation and proposes that all Stakeholder Groups/Constituencies (*here-in-after called GROUP)* shall adopt the rules below for participation. Such rules and procedures shall be part of its Charter/Bye-Laws. 1

**a.** AllGROUPs-shall adopt these rules for participation to encourage openness, transparency and accountability. These rules and any other rules governing participation shall be objective, standardized and clearly stated. 2

**b.** The GROUPs shall have their participation rules based on common principles developed by the GNSO. These rules then shall be made available in a variety of languages so they can be understood by ICANN’s global audience. 3

**c.** All GROUPs shall improve inclusiveness and representativeness and shall explore the possibility to have differential fee structures based on ability to pay, in order to encourage increased representation from those living in less developed economies. 4

**d.** All GROUPs shall strive to remove information barrier and put in place well-resourced outreach programs so that many potential interest groups come to know of their existence and also of benefits in being part of ICANN policy process thereby becoming members of the GROUP. 5

**Section 2. Membership** 6

**a.** All GROUPs shall make and publish rules and procedures for admission requirements of interested parties as a Members in clear and simple terms. Such rules and procedures shall be part of its Charter/Bye-Laws.

**b.** There shall be uniformity in membership of all Groups. All Group members shall be equal and have the same rights, duties and responsibilities and in particular, the same rights to vote. All Groups must offer membership to natural persons or individuals as well as to entities with legal personality such as corporations.

**c.** AllGROUPs, shall stipulate the rights, duties, and responsibilities of its members in clear and simple terms and publish the same.

**d.** A simple application form shall be devised for membership and it shall be publically available on the GROUP’s website.

d1. Admission criteria shall be certain and predictable and not arbitrary or discretionary. Where eligibility depends on participation in a certain sector of business, then applicants shall be entitled to submit evidence of their participation.

d2. The general membership shall be entitled to objections to an application for membership and that objection shall be published to the rest of the general membership.

**e.** Status of a new application and admission decision shall be publically available and an applicant shall be kept informed about it. In particular, the applicant shall be advised of the gist of any objection to the application and be given the opportunity to answer the same.

**f.** In case of rejection of an application or a dispute, the applicant shall have recourse of appeal to a neutral third party. The GROUP shall constitute such a neutral third party in consultation with or under the supervision of ICANN.

**g.** Every member shall remain in good standing until the GROUP has decided otherwise. The reasons that such status can be imperiled shall be certain and predictable and not arbitrary or discretionary. In such an event, the member shall be given an opportunity to be heard. Appropriate procedures shall be made for such an eventuality. The affected party shall have right of appeal to a neutral third party.

**h.** List of members and their contact details shall be publicly available on the GROUP website. Individual members shall have the right to have publication of address and other contact details withheld to protect their privacy. All members, unless otherwise stated shall be eligible to participate in the business of the GROUP and have equal voting rights.

**i.** A GROUP may levy reasonable membership fee in keeping with the capacity of its members and GROUP’s budget. Such fees shall be decided in the general body of its members.

j. No legal or natural person shall be entitled to join more than one Constituency.

**Section 3. Policy and Consensus**

All members of Groups shall have the right to participate in the Policy work of the Group and to join Committees formed to deal with policy issues and all other Committees including Executive Committees.

*GROUPs* shall function on the GNSO WG model for the purpose of reaching consensus unless it is determined using that model that consensus cannot be reached at which point resort should be had to formal voting in accordance with the procedures in the Byelaws. 7

1 Board Governance Committee (BGC) GNSO Review Working Group Report on GNSO Improvements. P 45, Para Last.

2 ,, ,,P 43, Para 1.

3 ,, ,, P 42, Para 5

4 ,, ,, P 41, Para Last

5 ,, ,, P 42, Para 4

6 ,, ,, P 43, Para 2

7 ,, ,, P 46, Para 2

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