

## Country Code Names Supporting Organization Council

### Comments on ccNSO Review Final Report

13 September 2010

The ccNSO Council welcomes the opportunity to comment on ITEMS International's Final Report on the organizational review of the ccNSO. These comments have been structured as a direct response to the recommendations contained in the report. In addition to this response, a number of ccTLD managers and regional country-code organisations may also provide individual responses to ICANN's call for comments.

***Recommendation 1:*** *The ccNSO should consider the adoption of alternative, consensus-based, lighter and faster policy development mechanisms:*

*a) A comments mechanism would allow the ccNSO to provide a prompt response to a request from ICANN's Board or another Supporting Organisation.*

*b) A position paper mechanism would allow the ccNSO to elaborate common Statements on relevant ccTLD issues in a way that reflects the general position of the ccTLD community.*

*The fast tracked comment mechanism as with the position paper mechanism would be non-binding to ccNSO members.*

The ccNSO is concerned that there is a degree of confusion in both the analysis of policy-related survey input and the resultant recommendation. The independent reviewer has recommended lighter and faster policy development but has then gone on to propose reforms to "comments" and "position paper" mechanisms.

To alleviate this confusion, it is vital to draw a clear distinction between the concept of formal ccNSO Policy Development Processes (PDPs) and the other mechanisms by which the organisation interacts with the ICANN Board and stakeholders. During the formation of the ccNSO, it took many months of negotiation to develop policy mechanisms that would allow the ccNSO to arrive at consensus positions. This was a reflection of the diversity of structures, operational and governance models and policies across the ccNSO membership. It also reflected the significance of the policy development process, in comparison with other, less formal, modes of interaction, such as the development of guidelines, provision of advice or issuance of position statements.

The ccNSO acknowledges the need for effective and efficient mechanisms for the provision of commentary and input to the ICANN Board and other Supporting Organizations. We also believe that the range of mechanisms currently in place fill this need. The ccNSO does not implement a regimented, prescriptive commentary process, but rather tailors the mechanism according to the topic, timeframe available and potential effect on members. Some examples include:

- Direct letters to the ICANN Board, Chairman or staff, from the Chair of the ccNSO or the ccNSO Council;
- Draft papers developed by Working Groups (such as Delegation and Re-delegation WG and the Joint IDN WG) that are released for public comment and communicated to other SOs and ACs;

- Written commentary developed by an individual member (typically on an issue where they have particular expertise) that is circulated to all members for refinement and adoption;
- Face-to-face or teleconference discussions among the ccNSO Council or members;
- Face-to-face or teleconference discussions with the ICANN Board or staff; and
- Calls for member comment sent to the membership or posted on the ccNSO website.

On the separate issue of documenting common position statements, the ccNSO supports this recommendation as it would provide additional transparency and accountability to both the process by which the ccNSO provides input and how it is received, and responded to, by the ICANN Board.

***Recommendation 2:*** Consider the translation into the main UN languages of key documents concerning and produced by the ccNSO (Bylaws, the Rules and Guidelines document, major Policy papers) of a brief summary of ccNSO position paper.

The ccNSO supports the translation of key documents, provided a cost effective methodology can be found. The ccNSO does not believe it is necessarily ICANN's responsibility to provide, or fund, such a service.

***Recommendation 3:*** Due to the significant cost of translating documents on a regular basis we suggest that the task of translating all documents related to the ccNSO's activity could be carried by the ccNSO membership itself. This could be facilitated by the setting up of a multilingual wiki (as used by Wikipedia). In this way, the translation of documents would become the responsibility of the linguistic communities themselves, and there need be no limit to the number of languages that documents could be translated into. If such a mechanism were adopted we would also suggest the appointing by the Council of a "linguistic community manager" for each language who would have responsibility to check the accuracy of the translations.

The ccNSO believes this recommendation is completely unworkable and places an unreasonable burden upon ccNSO members. Participants in the ccNSO contribute their time and knowledge on a voluntary basis. They do so in addition to existing responsibilities within their ccTLD. Given these pressures and commitments, members cannot be expected to undertake laborious and time-consuming translation activities in addition to their existing contributions.

Also, while many members whose primary language is not English attend ccNSO meetings, read documents and participate in debates and discussions, it is unreasonable to expect that their language skills necessarily extend to the translation of documents. Such expertise requires extensive editorial skill in both English and the member's native language and is not something that can be assumed of all members.

***Recommendation 4:*** The ccNSO staff should regularly engage in outreach activities to enlarge membership / better communication with non-members. ICANN should increase resources in order to propose attractive and value-added services for the ccTLD community. These value added services would require a dedicated "online community manager" whose responsibilities it would be to attract new members, especially from underrepresented regions.

The ccNSO is currently discussing the matter of financial contributions. Until this issue is resolved, the ccTLD community is uncomfortable with ICANN incurring additional costs related to the ccNSO.

Secondly, the ccNSO notes that ICANN does not have a major role in increasing ccNSO membership. Rather, it is the role of ccNSO members to engage and invite their counterparts, if they so wish. Furthermore, the ccNSO's own experience shows that there is a very high opportunity cost associated with attempting to significantly increase membership. Acceptance of this recommendation without careful consideration of the most effective and efficient mechanisms for outreach, could potentially place significant burdens upon ICANN and the ccNSO.

***Recommendation 5:*** *The ccNSO should engage with the GAC and ALAC to determine a joint initiative to boost the membership levels of all the SOs and ACs within ICANN.*

The ccNSO is engaged in continuous dialogue with other SOs and ACs on a range of issues of mutual importance. However, the ccNSO does not believe that membership levels is necessarily a high-priority cross-constituency issue. The ccNSO believes that there is one notable exception to this, and acknowledges that discussion with the Governmental Advisory Committee to encourage ccNSO membership by government-operated ccTLDs is an important and worthwhile activity.

***Recommendation 6:*** *When ccNSO develops a policy which could impact the activity of registrars and registrants, ccNSO should be able to collect their position.*

The ccNSO believes that existing international and local mechanisms for consultation facilitate the effective engagement of registrars and registrants.

The requirements of ccNSO policy development are set within ICANN's Bylaws and actively encourage consultation with, and involvement of, other constituencies and stakeholders. In addition to this, ccTLD managers also engage relevant members of their local community on policy developments and changes that may affect them and channel this feedback into ccNSO processes.

***Recommendation 7:*** *Beyond the ongoing improvement of the website, we recommend the implementation of a collaborative networking tool allowing ccNSO to create subgroups based on thematic, regional, linguistic grounds. Such a tool could include wiki, agenda, project management functions and allow members to update their own contact details within the register of all ccNSO participants. Articulation of this collaborative tool with existing mailing lists has to be studied. Such a tool would be helpful for the animation of the ccNSO community as well for attracting new members. Animation of such a tool requires "community management" capabilities.*

The ccNSO welcomes this recommendation and notes that it is always investigating and adopting new tools that aid collaboration and participation. For example, the ccNSO was the first supporting organisation to trial ICANN's implementation of Adobe Connect and has found it to be a very worthwhile and effective tool.

***Recommendation 8:*** *ICANN should provide ccNSO with appropriate "management community" capabilities in order to make the best usage of the collaborative tool.*

The ccNSO has no requirement for further capabilities and resources from ICANN. It is already well-served with current resource levels.

***Recommendation 9:*** *Introduce a limit to the number of terms that can be served by ccNSO Council members (item tabled for discussion at ccNSO meeting in Brussels).*

In principle, the ccNSO agrees that term limits are an important, and increasingly popular, mechanism for ensuring good corporate governance. However, all members of the ccNSO participate as volunteers and those that serve on the Council do not receive compensation for the time and effort they contribute. As such, attracting potential councillors that can make this significant commitment is already challenging and to introduce term limits could potentially erode the strength and talent of the Council.

Furthermore, the ccNSO Council performs a coordination and facilitation role, with the power to take decisions residing with the membership. Term limits are more typically applied to structures where the governing entity holds the decision-making power and where compensation is provided.

To draw direct comparisons, the ccNSO notes that - while service on the ICANN Board is subject to term limits - the pool of expertise for the role is considerably larger. In addition, the ICANN Board itself has acknowledged the commitment required of office-bearers and responded by introducing remuneration for the role of ICANN Board Chairman. Such incentives for service are unavailable to, and inappropriate for, the ccNSO.

As stated below in the response to Recommendation 10, the Council has commenced a process for clarifying councillors' roles and responsibilities. The ccNSO believes that the concept of term limits is directly related to this review process, as it can only be considered after the ccNSO membership has developed a clearer, shared set of expectations of its Council.

***Recommendation 10:*** *ccNSO should consider clarifying of the respective roles of the Council and the Chair in the ccNSO Rules and guidelines.*

The ccNSO Council has already commenced a process of clarifying the roles of council members, the Chair and Vice Chairs and intends to discuss this with members in Cartagena.

***Recommendation 11:*** *The ICANN Expenditure Analysis by Stakeholder Interest Area represents a major progress in term of understanding the allocation of ICANN budget towards ccTLD and ccNSO operations. In the interests of the members of the ccNSO and the broader ccTLD community, we recommend the institution of a permanent Finance Liaison (a designated member of the Council) whose responsibility will be to act as a go between with ICANN's Finance Department and to ensure complete transparency regarding this issue and any other budgetary matters linked to the activities of the ccNSO and ccTLDs. The next release of ICANN Expenditure Analysis by Stakeholder Interest Area could be an opportunity to reduce the "perception gap".*

The ccNSO believes that this issue is outside of the scope of this review process. The ccNSO is making other arrangements, most notably the establishment of its ICANN Finance Working Group.

***Recommendation 12:*** *The ccNSO should develop and publish annually a policy road map for the next two three years to act as a strategy document for current and upcoming policy work and as a general marketing tool for information purposes within and outside the ICANN community.*

Noted. The ccNSO will consider this at its next meeting in Cartagena.

The ccNSO also notes ITEMS International's suggestion, on page 10 of the Final Report, that "PDPs related on issues which concern governments could include a formal GAC approval before being conveyed to the Board". A productive and effective working relationship already exists between the ccNSO and GAC. However, a formal GAC approval process could undermine the independence of

the ccNSO and its policy processes. As the Report itself notes, the ICANN Bylaws already outline mechanisms for the Council to formally request the Chair of the GAC to offer opinion or advice on relevant issues and the ccNSO believe this is an appropriate framework for interaction.

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