

Joint Civil Society Statement
Supporting the Proposed Charter for the
Non-Commercial Stakeholders Group (NCSG)
Submitted by ICANN's Non-Commercial Users Constituency (NCUC)
15 April 2009

On March 16, 2009 members of ICANN's Non-Commercial User Constituency (NCUC) filed a petition¹ to form the Non-Commercial Stakeholders Group (NCSG) as part of ICANN's ongoing GNSO restructuring efforts, which are intended to, in part, correct the under-representation of non-commercial interests in the ICANN policy development process. One significant factor in why more non-commercial civil society organizations do not engage at ICANN is the great disparity in structural power between commercial and non-commercial interests at ICANN, and we welcome this opportunity to correct this imbalance via the GNSO restructuring.

We, the under-signed non-commercial civil society organizations, support the NCUC's NCSG petition because it will create an organizational structure that can accommodate the full breadth and diversity of non-commercial interests concerned with domain name policy. The NCSG petition encourages inclusiveness and cooperation among differing viewpoints, facilitates minority representation, fosters the generation of new policy proposals, and establishes councilors and officers that are representative of and serve the needs of the entire Stakeholder Group (SG) membership. The NCSG petition also maintains a light-weight and adaptable framework as is required for effective policy development at ICANN.

In contrast, SG petitions that attempt to fix a pre-determined number of GNSO Council seats per constituency are inadequate at representing the great diversity of non-commercial interests at ICANN. Such a constituency-based representation model encourages competition and divisiveness

¹ NCUC petition for a Non-Commercial Stakeholder Group (NCSG) is available at: <http://gns0.icann.org/en/improvements/ncsg-petition-charter.pdf>. The Executive Summary of the NCUC petition is available at: <http://gns0.icann.org/en/improvements/executive-summary-ncsg-proposal.pdf>

among constituencies in the NCSG by setting up a zero-sum game in which constituencies fight in internal power struggles and over scarce resources. Such a model cannot be a long-term solution and requires constant re-negotiation over limited council seats every time a new constituency is approved, tying up scarce NCSG resources and energy with internal disputes rather than shared goals. A constituency-based representation model at the GNSO presents an invitation to gaming with arbitrary groupings into imposed constituencies. Instead of a system for developing the best policies that can reach the broadest acceptance in the SG, such a model encourages special-interest groups to consider only their own particular narrow agendas. It would encourage fragmentation among non-commercial interests with an incentive of gaining more power on the GNSO Council than may reflect actual support in the broader community. Under constituency-based representation models, a constituency of 20 narrowly focused individuals is entitled to the same representation on the GNSO Council as a constituency of 2,000 members. While competition can be a valuable tool in some cases, the new GNSO model is intended to work through consensus building, compromise, and cooperation among competing viewpoints.

We believe the NCUC NCSG Charter recognizes the problems of constituency-based representation and has addressed them through democratic SG-wide elections for GNSO Councilors, balanced with a low threshold for recommending the creation of Working Groups to generate policy proposals. Other GNSO Stake-holder Groups have also recognized the problems of a constituency-based model and proposed solutions similar to NCUC's petition of democratic SG-wide elections for GNSO Council seats.

NCUC's NCSG petition provides a long-term solution that minimizes competition and rewards consensus-building and cooperation among constituencies. For the GNSO Councilor to win her seat she must gain the support of various constituencies within the NCSG membership. The NCSG will be much more effective as an SG with GNSO Councilors who understand the breadth of ICANN policy issues -- rather than only the issues that touch their particular constituency's "pet agenda" (or "*raison*

d'être”).

Thus the NCUC proposal accommodates the diversity of non-commercial interests and encourages GNSO Councilors to be broadly representative of the entire NCSG membership, while still enfranchising minority viewpoints and fostering a more inclusive policy agenda. For these reasons we support the proposed NCUC NCSG Charter and ask the ICANN Board of Directors to encourage wider non-commercial civil society participation at ICANN by doing the same. Thank you.

Respectfully Submitted,