

20 October 2009

**RE: Clearing Up Any Misperceptions that NCUC is Opposed to the Creation of Constituencies in the NCSG**

Dear Rod & Peter:

Thank you for your 13 October 2009<sup>1</sup> response to NCUC's 18 August 2009 letter about noncommercial participation in ICANN.

NCUC<sup>2</sup> is grateful to the Board for its willingness to meet with us in Seoul to discuss our concerns regarding the charter for the Non-Commercial Stakeholder Group (NCSG). We believe we can have a fruitful and forward-looking discussion about how to incentivize and empower non-commercial participation at our meeting.

We also appreciate the Board's commitment to work toward reconciliation of the competing NCSG charter models. Our members are also strongly committed to find a resolution of that important foundational question at the soonest possibility. We pledge to work with the Board to make that happen as expeditiously as possible.

We hope the Board understands that it is not NCUC's wish to prevent the creation of new constituencies within the NCSG.<sup>3</sup> Quite the contrary, the NCSG model we proposed would make it much easier to form new constituencies. If that model or something like it is put into place soon, we would welcome the formation of new constituencies next month.

Our request to refrain from creating new constituencies at this juncture only pertains to the interim charter and its mechanism of hard-wiring GNSO Counsel and Executive Committee seats to specific *constituencies*. This is a model that forces noncommercial users to compete with each other, makes it more difficult to achieve consensus, and fragments noncommercial users into silos.

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<sup>1</sup> Letter dated 6 October 2009 available at <http://www.icann.org/correspondence/beckstrom-to-gross-06oct09-en.pdf>

<sup>2</sup> NCUC represents 167 members including 80 noncommercial organizations and 80 organizations from 53 different countries. This represents a 270% increase in membership since 2008. NCUC membership roster: <http://ncdnhc.org/page/membership-roster>

<sup>3</sup> The following sentence from the Board's letter gave the impression that it may erroneously believe NCUC is opposed to new constituencies: "*The Board is not in a position to refrain from approving new Constituencies assigned to the NCSG during the two year NCSG transition period.*" We wish to clear up any misperception that NCUC is opposed to new constituencies for 2 years. We are not opposed to new constituencies. We believe we must have a workable framework in place before constituencies are created.

If the Board were to approve new constituencies under the interim charter, we would be locked-in to a dysfunctional charter model, and would have no opportunity to create a sustainable charter that treats noncommercial members equally and attracts new participants. Perhaps our request more accurately expressed is for a workable framework in place before constituencies are created.

So to be clear, if we can resolve our differences with the staff/SIC on the overall charter model in the coming weeks (and we believe we can), we would welcome the immediate creation of new constituencies in the NCSG.

Our membership remains committed to working closely with the Board in the coming weeks to reach an agreement on a permanent NCSG charter so that new constituencies can be easily created and noncommercial users can spend their energy on substantive policy development.

We remain committed to a positive and forward-looking meeting with the Board in Seoul that focuses on the substantive issues surrounding the NCSG charter and enabling noncommercial participants at ICANN.

We respectfully request that this letter be forwarded to the entire Board to clear up any remaining misunderstanding among directors regarding NCUC's position on the creation of new constituencies. Thank you very much.

Sincerely,

Robin Gross  
NCUC Chair