

NCSG LETTER - RIWG

Letter to ISPCP

Dear ISPCP Chair,

We are writing to you with regard to your current stance on the RIWG Recommendation 10, and your future participation in efforts to rebalance the NomCom at the GNSO level. We intend to offer some clarification on how underrepresented the Noncommercial Stakeholder Group is on NomCom and how change is, in our view, necessary to remedy this imbalance.

First, we do not consider status-quo as a desirable outcome for any process that has, or will consider the composition of the NomCom. That being said, at the same time, we do not wish to delay the work NomCom RIWG. Despite the fact that Recommendation 10 does not fundamentally resolve anyone's issues (including those of the CSG and ours,) the RIWG is no longer the right forum to design any possible compromise solution. Indeed, it seems that the changes the most vocal parts of the CSG, among them the BC and the IPC, want to bring to the NomCom are not those changes we, at the NCSG, desire. Hence our opposition to any attempts to "hardcode" seat allocation in the Bylaws; obviously this hardcoding would simply perpetuate the current imbalance, which we seek to change.

The Commercial Stakeholder Group (CSG) can appoint four members of NomCom. From the Noncommercial Stakeholder Group, only NCUC can appoint and it can appoint one member. This appointment power follows the number of constituencies (with an added advantage for the BC) and perpetuates an obvious imbalance. It has been remedied to some extent at the GNSO Council, to the extent that the appointment of councillors follows a more egalitarian patterns. Yet, at the NomCom, the non-commercial voice has for many years been underrepresented. NomCom's task is extremely important; since it appoints the Board members of ICANN, the imbalance in its composition can lead to an underrepresentation of non-commercial interests at the ICANN Board and other NomCom appointments.

We have consistently raised this issue throughout the years at ICANN. In 2017, the Board responded to our concern, arguing that if there is imbalance, then the NomCom review should correct it. The NomCom review team has recognized this obvious imbalance, but decided to leave it open to the GNSO to "figure it out." While not our preferred outcome, we believe there is still an opportunity to find a way forward that would be mindful of our interests. By keeping the status quo even after this review, we will have little to no recourse to any process to correct it. Other than being immersed in another Kafkaesque process that would most probably not address this issue.

We urge you to reconsider your support for keeping the current NomCom composition. Added to that, it would be really relevant to us to reform the composition of said committee in order to allow non-commercial users to be slightly better represented and avoid fostering the current imbalance.

To the Registry Stakeholder Group Chair

We are writing to you regarding your position about the NomCom RIWG recommendation for rebalancing the NomCom composition at the GNSO, as explained in [your letter in September 2020](#).

As you might know the NonCommercial Stakeholder Group has for years been under-represented on NomCom.

The imbalance is very simple and might not even need a holistic review.

Commercial Stakeholder Group has 4 members on NomCom while NCSG (and only NCUC) has 1 member appointed to NomCom.

There is no justification for the Commercial Stakeholder Group to have 4 members.

The number of constituencies should not affect representation on these committees, as it does not on the GNSO council.

You may recall, we have been voicing our concerns about this balance for many years.

So, we kindly ask you to look at the rebalancing recommendation favorably, especially in light of NCSG's underrepresentation.