

## Staff Analysis of Internet Services Provider Constituency Reconfirmation Report

*Cover Letter provided by Tony Holmes on 1 February 2009 in response to the Board Resolution.*

Section	Clause or Language	Recommendations
ALL	The ISPCP respectfully requests renewal of its charter.	Staff notes that, as directed by the Board, it explicitly requested "...a written report to the Board (that includes its Board-approved charter) evaluating its compliance with its charter and Bylaw requirements on or before the February 2009 Board meeting, which is currently proposed for the first week of the month." The Board only received a short paragraph transmitting the ISPC Charter which, as discussed below, was prematurely modified to take into consideration the new Stakeholder Group structure that has yet to be approved by the Board.

## Staff Analysis of Internet Services Provider Constituency Charter

*Version not dated or numbered; provided 1 February 2009 by Tony Holmes in response to Board Resolution.*

Section	Clause or Language	Recommendations
ALL	General	In its next amendment process, Staff suggests that the Constituency consider using the New Constituency Petition and Charter Template (hereinafter "Template") as a guide for both organization and content. It was developed and published by the Staff and is available at: <a href="http://gns0.icann.org/en/improvements/newco-process-en.htm">http://gns0.icann.org/en/improvements/newco-process-en.htm</a> .
	General	Staff recommends the inclusion of a separate Recruitment and Outreach section to emphasize the important role that growth and expansion play within the GNSO. See, for example, Template Section 4.3.
	General	There is no language which discusses how the charter may be amended, from time to time. Staff suggests adding a new Section, at the end of the charter, to track and document approved amendments. See Template, Section 11.0 for an illustration.

Section	Clause or Language	Recommendations
1.1	The ISPs and Connectivity Providers Constituency (ISPCP) shall form an integral part of the generic Name Supporting Organization (gNSO) as a representative group within the Commercial User’s Group in the Non-Contracted Parties House.	Staff notes that this Constituency has submitted a charter document modified to account for the GNSO Council restructuring that is scheduled to take effect in June 2009. Staff acknowledges the attempt to be proactive in this regard, but the Stakeholder Group (SG) charters have yet to be approved by the Board nor have the ICANN Bylaws been amended for these planned changes. It is, therefore, premature to alter constituency charters in anticipation of the structures and provisions that have yet to be affirmed by the Board. This charter document should be considered “provisional” pending ratification of the SG charters and related Bylaws amendments. Additional changes to this charter may be necessary depending upon Board decisions made in the coming months.
2.2	...and understand that Delegates appointed to the Constituency need to participate on a regular basis in the work of the Constituency.	The term “Delegates” is used in different contexts within the charter. Staff did not find any section in which this term is defined nor is it mentioned anywhere that members actually appoint or elect delegates to the Constituency and what function(s) they perform.
2.3.3	The ISPCP is publicly represented by three Officers.	Although Section 2.3.3.1 outlines the functions of the “officers,” there is no explicit mention in the charter concerning what positions these three officers represent, what titles they may hold, or how duties are allocated between them. Do they function as an Executive Committee? How are decisions made and what is the role of the Chairperson in leading and/or directing this group?
2.3.3.2	The term of office for each Officer is 24 months, staggered such that Officers shall be elected every 12 months by the Committee of the Whole. The three Officers are elected in rotating groups of one and two.	Consideration should be given to implementing some form of term limits for officer positions, which are not mentioned in the charter.
2.3.3.3	The committee of the Whole shall elect a chairperson	The duties and responsibilities of the Chairperson are not delineated within the charter or differentiated from the other three officers elected by the membership.
2.3.3.3	On approval of officers the previous chairman may serve subsequent terms.	Consideration should be given to implementing some form of term limit for the Chairperson.

<b>Section</b>	<b>Clause or Language</b>	<b>Recommendations</b>
2.3.3.4	Upon application by at least three Delegates...	It is not clear what the term “Delegates” refers to in this section. “Delegate” is used variously in the charter to refer to a representative of: (1) a Constituency member (although not described anywhere), (2) the Stakeholder Group Executive Council, (3) the Nominating Committee, and (4) the GNSO Council.
2.4.1	The ISPCP Committee of the Whole shall elect, on a schedule determined by the Stakeholders’ Group Bylaws, a delegate to serve on the Stakeholders’ Group Executive Council.	Reference is made to structures that have yet to be approved by the ICANN Board.
2.4.2	The ISPCP Committee of the Whole shall elect, on a schedule determined by the Stakeholders’ Group Bylaws, a delegate to serve on the gNSO Council who represents the interests and views of the ISPCP constituency.	Reference is made to structures that have yet to be approved by the ICANN Board. In addition, this language may need to be amended to reflect that the number of Council seats allocated to this Constituency could be determined by the Stakeholder Group.
2.4.3	The ISPCP Committee of the Whole shall elect, on a schedule determined by the ICANN Board of Directors, a delegate to serve on the ICANN Nominating Committee. who will represent the unique viewpoint of the ISPCP constituency.	Note that the Bylaws may be amended to transfer the responsibility for selecting Nominating Committee delegates to the Stakeholder Groups who, in turn, may request candidates from member constituencies.
3.3	The ISPCP shall look to cover the cost of conducting relevant Constituency activities required to meet their charter, through membership fees. If they are necessary, the level of fees shall be proposed by the officers of the constituency and voted upon by the Committee of the Whole.	This section represents the entirety of funding/finances. We suggest that section be expanded as outlined in Template, Section 9.0.