

Staff Analysis of Registrar Constituency Reconfirmation Report

Submitted by Jon Nevitt, 29 January 2009

Section	Clause or Language	Recommendations
c)	As is customary with other constituencies, the RC uses a separate "RC Excom" list to discuss budgetary and strategic decisions. Only the GNSO representatives and the RC officers are subscribers to this list.	It has been suggested via public comments that transparency and openness should also include publishing budget/financial data on each constituency's website.
	The new, more useful and informative web site is long overdue. After discussions with the ExCom and specialized third parties, the new version should happen in Q2 2009 and shall include, among others, the mailing list archives, the agendas of previous and upcoming meetings, as well as a list and short bio of each of Constituency officers.	As indicated in the report, at present, interested parties must go to several different sites/pages in order to locate information about the Registrar Constituency. While the new site is still under construction, as a transition step, perhaps it would be helpful to include all existing/current links accessible from the new "beta" site to make it easier for visitors and users to find information. Also, on the new site, Staff notes that the posted link to "Agenda for Upcoming RC Meeting" takes the visitor to a page which reports, "Login required to edit."

Staff Analysis of Registrar Constituency Charter

Version 3, Revision 0, Draft 0 April 17, 2003 as copied from the Registrar website ([http://www.icannregistrars.org/RC Bylaws](http://www.icannregistrars.org/RC_Bylaws))

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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: http://gns0.icann.org/en/improvements/newco-process-en.htm .

Section	Clause or Language	Recommendations
1.0	Constitution	Principles such as transparency (see 2.6) and fairness (3.2.4) are mentioned in the charter; however, Staff recommends incorporating a comprehensive “Principles” section emphasizing the Constituency’s commitment to openness, transparency, and fairness and behavioral expectations consistent with ICANN Bylaws and Policies. Consult section 1.0 of the Template.
1.1	The Registrar Constituency of ICANN’s Generic Name Supporting Organization (GNSO) is constituted according to Article 5, Section 1, Part B of the Bylaws of the Internet Corporation for Assigned Names and Numbers.	Should be amended to read “Article X, Section 5” of the ICANN Bylaws.
1.3	As of April 1, 2003, this list can be found at http://www.icann.org/registrars/accredited-list.html	Recommend moving to an Appendix or web site reference, which can be updated easily as changes occur.
3.1.3	Two GNSO Council Representatives	Currently three, but should be reworded to take into account allocation decisions made at the Stakeholder Group level.
3.1.4	And Constituency Task Force Representatives	There are multiple references in this charter to “Task Force.” Given that the GNSO is moving toward a “Working Group” model, perhaps all of these references should be updated and/or removed, as appropriate.
3.2.1	The term “Elected Members” shall mean all representatives as described in section 3.1.2, 3.1.3 and 3.1.4.	The impression is left that “Task Force” representatives are elected by the Constituency (on a semi-permanent basis) vs. being appointed/selected based upon circumstances and needs. Given that individuals can “self-select” into Working Groups, perhaps the sections dealing with Task Forces should be rewritten.
3.3.2	The term of a GNSO Council Representative is two years. A GNSO Council Representative may only serve two consecutive terms for the same position	The charter is silent on whether a GNSO Council Representative, who previously met a term limit, may be reelected after sitting out one or more years.
3.3.3	The term of a Task Force Representative shall be equal to the duration of the Task Force that they have been appointed to, or two years, whichever comes first. There are no limits to the number of consecutive terms that a Task Force Representative may be re-elected to.	Revise to reflect the transition to “Working Groups” within the GNSO. In addition, consider appointing, selecting, or requesting volunteers vs. electing semi-permanent positions to serve in this capacity.
3.4.1.1	Act as a neutral facilitator of Constituency meetings and teleconferences, provide Constituency leadership and act as spokesperson for the Constituency	This clause states that the Chair is “neutral”; however, is the Chair a voting EC member where decisions require it? Staff could not find it mentioned anywhere in the charter.

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3.4.3.5	Act as liaison with ICANN and Names Council budget staff and the Budget Committee;	Obsolete reference to be amended. The “Budget Committee” does not appear to have a referent in this charter.
3.5.1.2	If unable to participate in a scheduled GNSO Council meeting or call, provide a proxy to another Constituency GNSO Council Representative and notify the GNSO Council Secretariat, and forward a copy of the notice to the Secretary of the Registrar Constituency.	Does “...another Constituency” refer to the Registrar Constituency?
3.5.2	Task Force Representatives, who shall, under the general direction of the Executive Committee	Consider replacing with “Working Group” or, alternatively, create a new section in which temporary structures are discussed (see, for example, Section 3.4 in the Template).
4.2.3	Physical and teleconference meetings of the Executive Committee, Elected Representatives, committees and other organizational units of the Registrar Constituency shall conduct their business in accordance with Robert's Rules of Order (4th edition, www.rulesonline.com).	Does the Constituency continue to rely upon Robert’s Rules? We would also suggest that a section be added in this charter dealing with the Constituency’s decision-making processes (see, e.g., 3.5 of the Template).
4.3.2	Only Registered Representatives of Members in good standing are eligible to be nominated to stand as a candidate for any Constituency election. Non-Registered Representatives of Members in good standing are also eligible to be nominated to stand as candidates for Constituency election to offices covered by Section 3.1.4.	Staff notes that “Section 3.1.4” refers to elected “Task Force” representatives.
4.3.4	Each of the GNSO Council Representatives must be from separate geographic regions in accordance with ICANN's by-laws.	Perhaps reword as follows: “The selection of GNSO Council Representatives shall, to the maximum extent possible, satisfy geographic diversity requirements outlined by the Registrar Stakeholder Group and the ICANN Bylaws.”
4.5.1	All voting of the Constituency shall be undertaken according to the applicable provisions of the then current “Registrar Constituency Rules of Procedure” which are determined in accordance with the following provisions;	If the “Registrar Constituency Rules of Procedure” is a separate document, perhaps it should be included as an Appendix to this charter or incorporated entirely. This document is referenced again in Section 6.1 of the charter.
4.7.8	Elections shall proceed according to Section II of the Registrar Constituency Rules of Procedure	Same comment as in 4.5.1 above. Election procedures should be included within the Constituency charter document.
5.1	The Registrar Constituency Members shall arrange any necessary finance for the Constituency in a manner to be agreed by the Constituency.	This clause (5.1) is the entire contents of Funding (5.0). Staff suggests that this section be expanded to consider some/all of the questions posed in Section 9.0 of the Template.

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6.3	Amendments to these bylaws shall take effect thirty (30) days after adoption, but if by amendment Elected Members are changed in status or the number of Elected Members is reduced, each Elected Member shall continue to serve until the term expires.	Staff suggests adding a new Section (e.g. 7.0) to document approved amendments to the Registrar Constituency charter and that the RrC consider formally reviewing its charter at least every three years, if not annually, as a way of ensuring that it remains up-to-date and relevant. See Template, Section 11.0 for an illustration.