

Staff Analysis of Registry Constituency Charter Renewal and Reconfirmation Report

Submitted by David Maher, Chairman-gTLD Registry Constituency on 27 January 2009

Section	Clause or Language	Recommendations
NA	The RyC operates an email list for which delegates from all members and the pending member are subscribed.	Staff was unable to locate a published list on the Registry website containing member names and email addresses.
NA	The RyC generally holds biweekly teleconference meetings open to all members and the pending member.	Staff was unable to find any meeting agendas, minutes or transcripts from any of these bi-weekly sessions.
NA	In every consensus statement submitted, the RyC clearly reports the level of consensus reached.	Staff has seen versions of these reports and found them to be very helpful. Staff notes that Constituency Statements currently appear on the Constituency Home page and appear to be current. Staff observes that, in the "Important News" section of the website, it was unable to find any archived documents or statements more recent than December 2007 and that the very first link under Domain Tasting does not resolve to a valid document location. Similarly, the 1 st link under WHOIS also resolves to an incorrect location. Staff recommends that all links under "Important News" be double-checked to ensure that they are pointing to the valid URLs. To avoid visitor confusion, perhaps all statements should be located in one section even if organized between "current" and "archived."
ALL	General	It has been suggested via public comments that transparency and openness should also include publishing budget/financial data on each constituency's website. Staff was not able to find any Registry financial information at the current site: http://gtldregistries.org

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Articles of Operation (Adopted 30 October 2007) as copied from the Registry website at:

http://gtldregistries.org/about_us/articles

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ALL	General	In its next amendment process, Staff suggests that the Registry Constituency consider using the New Constituency Petition and Charter Template (hereinafter "Template") as a guide for both organization and content. It was developed by the Staff to be consistent with the improvements recommendations endorsed by the ICANN Board and is available at: http://gns0.icann.org/en/improvements/newco-process-en.htm .
	General	Staff recommends the addition of a Recruitment and Outreach section to emphasize the important role that growth and expansion play within the GNSO. See, for example, Template Section 4.3.
I	Mission	Staff recommends incorporating a comprehensive "Principles" section emphasizing the Constituency's commitment to openness, transparency, and fairness as well as behavioral expectations consistent with ICANN Bylaws and Policies. Consult section 1.0 of the Template.
IV	The Constituency shall have a Chair, and the Constituency shall elect a Chair at the Constituency meeting following every other ICANN Annual meeting.	The Chair's duties and responsibilities should be delineated within the charter. There is also no mention as to whether the Chair is a voting member where Constituency decisions may require such action. It is also unclear from the charter whether the Chair, Alternate Chair, and Secretary form any kind of Executive Committee and, if so, what specific duties or responsibilities they may have to the Constituency.
IV	The Chair shall be elected for a term of two years and shall hold office until his or her successor is elected or until he or she sooner dies, resigns, is removed or becomes disqualified.	There is no mention of term limits for the Chair. The Constituency should consider implementing term limits for officer positions similar to what is in place for GNSO Council representatives.
IV	The Constituency may elect an Alternate Chair, who must also be an authorized voting delegate (or alternate) of a member.	The Alternate Chair's duties and responsibilities should be delineated within the charter.

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IV	The Alternate Chair shall be elected for a term of two years and shall hold office until his or her successor is elected or until he or she sooner dies, resigns, is removed or becomes disqualified.	The Constituency should consider implementing term limits for officer positions.
IV	Secretariat: The Constituency may elect an Alternate Chair, who must also be an authorized voting delegate (or alternate) of a member. The Alternate Chair shall be elected for a term of two years and shall hold office until his or her successor is elected or until he or she sooner dies, resigns, is removed or becomes disqualified:	This language appears to be misplaced. This section is entitled "Secretariat," but it actually discusses the Alternate Chair. According to charter, the Secretariat position is appointed by the Chair and is not elected. Staff also notes that there is no mention of term limits for this Secretariat position.
VI	The Constituency shall elect such number of representatives (the "Representatives") as is set forth in the ICANN Bylaws then in effect to represent the Constituency on the GNSO Council. As of September, 2007, the current ICANN Bylaws provide for three Representatives.	This language is a candidate to be modified to take into account the new role of the Stakeholder Group in allocating Council seats to its member constituencies.
VI	Elections shall be conducted in accordance with the voting procedures described in Article VII below, and in compliance with all applicable provisions of the ICANN By-Laws then in effect, including those relating to geographical diversity and eligibility.	This section is a candidate to be modified to take into consideration any geographic diversity requirements that may be imposed upon and by the Stakeholder Group.
Vi	Each Representative shall be elected for a term of two years and shall hold office until his or her successor is elected or until he or she sooner dies, resigns, is removed or becomes disqualified. No Representative may serve more than two consecutive terms.	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. Staff notes that a Bylaws change has been approved by the Board (3 February 2009) concerning Council Member term limits (http://www.icann.org/en/minutes/prelim-report-03feb09.htm).
VII	So long as the ICANN Bylaws provide that the Constituency shall have three Representatives in the GNSO Council, the sponsored and unsponsored gTLDs shall each elect its own Representative, and the entire Constituency shall elect the third Representative.	May require amendment based upon Stakeholder Group charter terms.

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VII	In connection with the election of any Representative, the Chair shall consult with the members of the sponsored and unsponsored gTLDs regarding geographic diversity or eligibility requirements of the ICANN By-Laws that must be met	Consider rewording as follows: “In connection with the election of any Representative, the Chair shall consult with the members of the sponsored and unsponsored gTLDs regarding geographic diversity or eligibility requirements of the Registry Stakeholder Group Charter and/or ICANN Bylaws that must be met.”
VII	Article VII of the ICANN Bylaws provides that the Constituency shall select a voting delegate to serve on the ICANN Nominating Committee (the “NomCom Delegate”). The NomCom Delegate shall meet the criteria set forth in the ICANN By-Laws. The NomCom Delegate shall be elected for a term of two years and shall hold office until his or her successor is elected or until he or she sooner dies, resigns, is removed or becomes disqualified.	In the planned ICANN Bylaws amendments planned for the June 2009 GNSO Council restructure, the selection of Nominating Committee delegates may be transitioned from each constituency to the applicable Stakeholder Group.
X	The Constituency may amend these Articles by vote of the Constituency as provided in Article VIII.	Staff suggests adding a new Section (e.g. XI) to document approved amendments to the Registrar Constituency charter. See Template, Section 11.0 for an illustration.