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ICANN

6 October 2009

Rod Beckstrom
CEO and President

Dear Robin:

Thank you for your letter of 18 August 2009, regarding the Board's recent decision to approve the Noncommercial Stakeholder Group (NCSG) Transitional Charter.

The Board appreciates your recognition that the decisions made on 30 July 2009, were critical to moving forward with the GNSO improvements effort and, more specifically, the seating of the new Council in Seoul. The Board has consistently recognized that restructuring is an evolving process and it welcomes the opportunity for continued dialogue with the NCUC and the broader non-commercial community.

With respect to your three specific requests:

- 1) The Board looks forward to scheduling time in Seoul to discuss concerns about the approved NCSG Charter, the process followed in adopting it, perceptions about the NCUC's representativeness, the pros and cons of various structural alternatives, and any other substantive matters you wish to raise. The Board appreciates your expressed commitment to work toward reconciliation of the competing models and building a lasting consensus.
- 2) In addition to the Board's resolution of 30 July 2009, the Board passed an additional resolution at its 27 August 2009 meeting in which the Board re-confirmed its intention to review GNSO improvements and restructuring progress, including reviewing structures and operations of GNSO Stakeholder Groups and Constituencies in one year and every three years thereafter.
- 3) The Board is not in a position to refrain from approving new Constituencies assigned to the NCSG during the two year NCSG transition period. The Board has committed to processing pending applications and has already indicated its intention to have new Constituencies formed with the assistance of the three GNSO Councilors from the NCSG appointed by the Board at its meeting on 30 September. The Board believes that the addition of these new perspectives will broaden and deepen the structural discussions and, potentially, enable a fresh new consensus to emerge. We also note that the Board's decision to double the current number of non-commercial seats on the Council was predicated upon the creation of a NCSG in which other diverse, international Constituencies participate along with the current NCUC.

We would appreciate your help in creating and supporting the success of these new constituencies.



I would note that the Board has been very clear on the direction it wanted to take regarding this effort since the approval of the Board Governance Committee GNSO Review Working Group Report in June 2008, addressing the need for additional Constituencies. The Board made it clear at its May 2009 meeting that it was not satisfied with the Stakeholder Group Charters submitted by the community and specifically tasked the Structural Improvements Committee (SIC) to bring the Charters into compliance with the GNSO Improvements Report and prior Board resolutions.

I understand that the NCUC's current and former Chairs were informed by Staff and the SIC on a number of occasions that the direction for the NCSG being advocated by the NCUC was inconsistent with the Board's strategic goals. Members of ICANN's Board (especially the SIC), Staff and the broader GNSO community communicated frequently and worked diligently over a number of months to edit, improve, revise and resolve difficulties with all four Stakeholder Group Charters. While it is certainly true that disagreements have existed about competing models, it is not accurate to portray the final outcome as having been imposed in some "abrupt," sudden, or unexplained manner.

Board members, through public comment fora, meetings, and other communications, have been and continue to be well aware of the non-commercial community positions on these charter matters. Staff has provided the Board with the full range of community views and positions and has acted professionally at all times on this matter. The Board ultimately made its decisions after careful and thorough deliberation on the merits. The Board urges NCUC's leadership to do its part, in the period prior to and during Seoul, to transition the dialogue toward a healthy collaborative implementation plan and search for solutions.

Finally, the Board shares your interest and commitment in continuing the effort to recruit new and diverse non-commercial participants into GNSO policy development over the next year and we look forward to continuing to work with you on these issues in Seoul and beyond.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Peter Thrush' and 'Rod Beckstrom', with a long horizontal line extending to the right.

Peter Dengate Thrush
Rod Beckstrom

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