

**Business Constituency (BC) Comment
on Amendments to Charter
for the NCSG Constituency of Not-for-Profit Organizational Concerns (NPOC)**

13-Nov-2022

The Business Constituency (BC) is concerned with the structure of representation within the GNSO Council, especially as it concerns other members of the Non-Contracted Party House.

Having also undergone a review and public comments process of its Charter, the BC offers the following comments on the Amendment to Charter for the NCSG Constituency of Not-for-Profit Organizational Concerns (NPOC).

The BC believes that it is laudable that the NPOC amended its charter to reflect its current practices, align with its operating procedures, and accommodate its evolving needs, while also accounting for best practices for the GNSO such as the GNSO Operating Procedures, the Work Stream 2 Recommendation 6 from the Cross-Community Working Group on Enhancing ICANN Accountability (CCWG-Accountability), and the ICANN Bylaws.

The Amendments to the Charter are all supported.

However, below are our observations and comments:

1. Section 3.2. "Membership":

a.i.2: "Members will have been accepted for membership by the NCSG."

If, as this seems to say, in order to be eligible to join the NPOC, first one must have been accepted into the NCSG, it may be helpful to provide the link to the NCSG website in this document. It would also be helpful to reference that the NCSG has two Constituencies, **to allow prospective members to align themselves properly.**

e.i.: "NPOC shall publish its Membership list."

The means of publication is not specified. We suggest this be included in the document.

f.vi.2: "Members should consider diversity criteria when appointing an OR or AR"

Perhaps a slight change to reflect a more specific request for the diversity of Member representatives in terms of gender, regional representation and categories.

2. Section 3.3. "Executive Committee":

It is observed that all other members of the EC are elected by membership vote whereas the Treasurer is to be elected by the EC. This we believe is an antithetical approach to the democratic process being codified here. We suggest that all members of the EC be elected by membership as our experience in the BC has shown that this approach gives greater authority with all members and externally with the broader community.

3. We observe that the charter does not contain any definite line of hierarchy in the organizational structure. It is our view that it be clearly spelt out in this document that the EC is the apex decision-making body to avoid collision and confusion.

Finally, there are **resources available to the NPOC that should be mentioned to strengthen the organization**. We note that the silence on the NPOC's independent part-time Secretariat (perhaps essential on voting and elections) and the ICANN Ombudsman (with regard to challenging decisions.)

These resources are important for the smooth operation of a constituency and ought likely to be given some attention in the NPOC's founding documents.

This comment was drafted by Arinola Akinyemi, and Samuel Dada.
It was approved in accord with the [BC Charter](#).