COMMENT ON APPLICATION BY CCAOI FOR CONSTITUENCY STATUS

The Non-Commercial Stakeholder Group (NCSG) has long been the most diverse (geographically and ethnically) stakeholder group within the GNSO. As individual and representative members of organizations within the NCSG, we are pleased at the increasing diversity of and interest in participating at ICANN. As NCSG members, many of us have made outreach, accessibility and global engagement a priority and have as a result recruited and welcomed numerous new individual and organizational members from across the globe into our membership.

We believe, however, that the new CCAOI application for constituency status belongs not in the NCSG but in the Commercial Stakeholders Group (CSG). We have carefully reviewed all the documents and information provided in CCAOI's application, and we are of the firm opinion that it is a commercial organization whose operations do not fit within NCSG's formal charter or objectives.

The CCAOI's stated reason for applying to join NCSG is that it is a non-profit organization that through its operations and activities promotes public interest goals of education and access. While there are numerous non-profit organizational members of NCSG – either within the Non-Commercial Users' Constituency (NCUC) or the newer Not for Profit Organizational Concerns (NPOC) constituency, all members of either constituency must first join the NCSG and fulfill its pre-requisites, prime among them being the need to remain resolutely non-commercial in their focus. The fact that individual cybercafés within the wider CCAOI organization may not charge fees to their users does not by itself make either these cybercafés or CCAOI itself a non-commercial organization. Rather, we note from its application that its members include also "e-commerce service providers", "Internet solution providers" and entrepreneurs, and its plans include the use of a mobile payment platform to alleviate the problem of low credit card usage and cash safety.

We take this opportunity also to point out that there is a difference between telecenters operated for purely social purposes, which function as non-commercial public access Internet points (PAIPs), and cybercafés, which are essentially commercial for-profit enterprises (even if located in poor and/or underserved areas). For further clarification, we recommend visiting http://www.telecentre.org/ for a look inside the telecenter movement.

We therefore believe that the proper place within the current GNSO framework for CCAOI is the CSG. The fact that the CSG's rigid constituency structures may mean that CCAOI could potentially belong to

either the Internet Service Providers (ISP) constituency or the Business Constituency (BC), or that either of these groups may need to modify its charter to allow a commercial organization of CCAOI's nature to apply, is not NCSG's concern or issue. Similarly, if the GNSO's own structure requires change in order to accommodate a diverse organization such as CCAOI, it is not a solution to just put them in the NCSG simply because we are the most flexible and open GNSO stakeholder group. These limitations are problems that are neither the fault of CCAOI or NCSG, and should if necessary be addressed by the GNSO as a whole and perhaps also the ICANN Board's own Structural Improvements Committee (SIC), who had worked with the then-fledgling NCSG to develop a charter that reflected non-commercial values and interests.

Should this not be feasible, NCSG believes that those members and elements of CCAOI that are purely non-commercial could individually join NCSG. As a representative organization that has clearly commercial sources of funding and for-profit members, however, CCAOI as it is currently constituted clearly does not belong within NCSG.

Respectfully submitted,

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