

A world map in shades of blue, overlaid with a white grid of latitude and longitude lines, serving as the background for the top section of the slide.

ccNSO

Country Code Names Supporting Organisation



# Empowered Community: An Introduction (Level 1)

24 June 2019 - ICANN65 (Marrakesh)

Stephen Deerhake

# How did we get here?

## The Short Answer:

IANA Transition completed in October 2016

Purpose of the transition?

Substitute Global Community oversight of the IANA function  
from US Government oversight

## The Result:

ICANN “3.0”

New set of Bylaws came into effect

# From USG Oversight to Community Oversight

## What Actually Happened?

October 2016 Bylaws established a new Organisation within ICANN:

Empowered Community (“EC”)

Established as a California Non-profit Association

## Empowered Community Membership:

Address Supporting Organisation (ASO)

At Large Advisory Committee (ALAC)

Country-Code Names Supporting Organisation (ccNSO)

Generic Names Supporting Organisation (GNSO)

Governmental Advisory Committee (GAC)

SO/ACs are known collectively as “The Decisional Participants”

The EC Membership is known as the “Empowered Community Administration” (ECA)

# Specific Bylaws Relating to the Empowered Community

Article 6 (“Empowered Community”)

Annex D (“EC Mechanism”)

See: <https://www.icann.org/resources/pages/governance/bylaws-en>

# Current Empowered Community Administration (ECA) Membership

Address Supporting Organisation (ASO)

Axel Pawlik

At Large Advisory Committee (ALAC)

Maureen Hilyard

Country-Code Names Supporting Organisation (ccNSO)

Stephen Deerhake

Generic Names Supporting Organisation (GNSO)

Keith Drazek

Governmental Advisory Committee (GAC)

Manal Ismail

# So what can the Empowered Community Do?

Appoint individual Directors

Approve Fundamental Bylaw Amendments, Articles Amendments, and Asset Sales

Reject ICANN Budgets, IANA Budgets, Operating Plans and Strategic Plans

Reject Standard Bylaw Amendments

# So what can the Empowered Community Do?

Reject PTI Governance Actions

Require the ICANN Board to re-review its rejection of IFR Recommendation Decisions, Special IFR Recommendation Decisions, SCWG Creation Decisions and SCWG Recommendation Decisions

Initiate a Community Reconsideration Request, mediation or a Community IRP

Remove individual Directors (other than the President)

Recall the entire Board

Take necessary and appropriate action to enforce its powers and rights, including through the community mechanism contained in Annex D or an action filed in a court of competent jurisdiction

## Some useful links...

Empowered Community Administration Home page:

<https://www.icann.org/ec>

Empowered Community Administration Summary page:

<https://www.icann.org/resources/pages/ec-administration-2017-05-25-en>

All of the ECA's Correspondence to ICANN is here:

<https://www.icann.org/en/ec/correspondence>

The ECA can be contacted at: [ECAadmin@incann.org](mailto:ECAadmin@incann.org)

**HOWEVER**, be aware that ICANN Org is subscribed to this list; you may of course contact ECA members individually, and we do communicate with one another.



# So What does the Empowered Community Administration (ECA) Really Do?

## Short Answer:

### Paperwork

Correspondence to the ICANN Corporate Secretary regarding:

- Appointments/Elections of ICANN Board members

- Notification of results of Rejection Action Petitions (usually relating to)

  - ICANN and PTI Budgets

  - Strategic Plan revisions

  - Standard Bylaw changes

- Notification of results of Approval Actions submitted by the Board to the Community

### Hold Public Forums

- ICANN 59 (Johannesburg) – June 2017

  - Involved a Fundamental Bylaw Change regarding Board Committees

# Types of Empowered Community Events

## Predictable

Election of Board members (they are then appointed by the ECA)

Annual Budget Cycles

PTI Budget

ICANN Budget

Annual Planning Updates

Operating Plans

Strategic Plans

# Types of Empowered Community Events

## Unpredictable

### Bylaw Changes

Standard Bylaw Change triggers a Rejection Action Petition Period (Annex D, Article 2)

Fundamental Bylaw Change triggers an Approval Action Period (Annex D, Article 1)

All the other things that the Empowered Community is entitled to do

Spill the Board, Reject PTI Governance Actions, Sue the Corporation, etc.

# Overview of the Approval Action (1/3)

Board needs Community Approval for something they have done:

Fundamental Bylaw Change

Asset Sale

Articles Change (Articles of Incorporation)

# Overview of the Approval Action (2/3)

Steps (assume a Fundamental Bylaw Change):

1. Board proposes Bylaw change
2. Proposed Bylaw change is published for public comment (45 days)
3. Staff prepares report for the Board and the Community
4. Board votes to approve the Bylaw change; Corporate Secretary notifies both the SO/AC's ("Decisional Participants") and the Empowered Community Administration (ECA)

# Overview of the Approval Action (3/3)

## Steps (Continued):

5. ECA directs ICANN to organise Approval Action Community Forum
6. ECA manages Approval Action Community Forum (usually at ICANN meeting)
7. Decisional Participants decide whether they will support, oppose, or abstain from deciding on the Board's action; they notify both the ECA and ICANN
8. At conclusion of the Approval Action Decision Period (21 days), if three (3) or more Decisional Participants approved of the Board's action, it stands. Otherwise the Board's action is blocked (i.e., Fundamental Bylaw change is rejected)

# Rejection Action (1/3)

More complicated process than Approval Action

Some differences:

An SO/AC attempting to reject an action must get support from another SO/AC just to be able to submit their Rejection Action Petition

Any Rejection Action Petition must include a detailed Rationale

For Rejection Action Petitions involving either the ICANN or IANA Budget, or a Strategic Operating plan, the Rationale has to be tied to a public comment made during the Public Comment period on the decision being objected to

## Rejection Action (2/3)

### Additional Differences:

Different voting thresholds depending on the subject of the Rejection Action Petition:

A Rejection Action Petition objecting to a Standard Bylaw Amendment must have the support of four (4) or more SO/AC's to prevail

A Rejection Action Petition objecting to anything other than a Standard Bylaw Amendment must have the support of three (3) or more SO/AC's to prevail

Any Rejection Action Petition must include a detailed Rationale

For Rejection Action Petitions involving either the ICANN or IANA Budget, or a Strategic Operating plan, the Rationale has to be tied to a public comment made during the Public Comment period on the decision being objected to



# Rejection Action (3/3)

Other things of note:

Each step of the Rejection Action Petition Process has its own twenty-one (21) day time limit

Any missed deadline causes the Rejection Action Petition Process to terminate

A terminated Rejection Action Petition Process means that ICANN's decision prevails

A Rejection Action Community Forum must be held by the ECA on a Rejection Action Petition

# Rejection Action Summary

**Very** complicated procedure

Procedure is heavily tilted towards ICANN –any missed deadline or other procedure error terminates the Petition process and ICANN prevails

SO/AC internal procedures may effectively preclude an SO/AC from effectively initiating or participating in a Rejection Action Petition process

Example: ccNSO, due to various internal rules involving agenda publication and ccNSO Community review of ccNSO Council decisions

## Activities Since ICANN64 (Kobe)

- ASO selected Akinori Maemura to Board seat 10  
ECA certified the selection to ICANN Corporate secretary (March 2019)
- GNSO selected Becky Burr to Board seat 13  
ECA certified the selection to ICANN Corporate secretary (March 2019)
- Expiration of Rejection Action Petition Periods for
  - FY2020 Operating Plan and Budget
  - Updates to the Five-Year Operating PlanECA certified the expiration of the Rejection Action Petition Periods (May 2019)

# Upcoming Activities (1/3)

**Fundamental Bylaw change is currently out for public comment**

- **Relates to the composition of the IANA Naming Function Review Team (IFRT)**
  - Requested by ccNSO Council
  - Public comment period opened 10 June; ends 26 July
  - Staff report due 9 August
  - Likely Board vote prior to ICANN66; adoption by the Board will trigger an Approval Action Period
  - Likely ECA will hold an Approval Action Community Forum during ICANN66 (Montréal)
  - Proposal combines (and rewrites) Section 18.7(a) and 18.7(b)

## Upcoming Activities (2/3)

**Two (2) Standard Bylaw changes are currently out for public comment**

- **Changes to leadership structure for both SSAC and RSSAC**
  - Triggered by recommendations made in the SSAC and RSSAC reviews
  - Public comment period opened 10 June; ends 26 July
  - Staff report due 9 August
  - Likely Board vote prior to ICANN66; adoption by Board triggers Rejection Action Petition Periods for both proposed changes
  - If ECA certifies a successful Rejection Action Petition, then It is likely ECA will hold a Rejection Action Community Forum during ICANN66
  - Possibly two (2) Rejection Action Petition Forums, if both proposed changes are successfully challenged
  - SSAC proposed change involves changing Bylaws Section 12.2(b)(i)
  - RSSAC proposed change involves changing Bylaws Section 12.2(c)

# Upcoming Activities (3/3)

## Potential Upcoming Empowered Community Public Forums (ICANN66 – Montréal)

- Requested change to IANA Functions Review Team (IFRT) related Bylaws (combining Sections 18.7(a) and 18.7(b) of the Bylaws)
  - Approval Action Community Forum
- Requested change to RSSC Bylaws involving their leadership structure (shift from two co-chairs to Chair/Vice-chair model)
  - Rejection Action Community Forum
- Requested change to SSRC Bylaws (limit on SSAC's leadership term)
  - Rejection Action Community Forum

**Questions?**