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**Subject:** [Ext] Re: [ccTLDcommunity] [ccnso-members] GRC and ccNSO Council: public comments on Guideline on Approval Actions  
**Date:** Tuesday, May 23, 2017 10:35:16 AM  
**Attachments:** [ATT00001.txt](#)

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Dear Roelof, All,

Thank you (and Eberhard, and Nick) for your comments.

>In my opinion, sacrificing the "internal accountability" of the ccNSO in decision making on potentially very serious issues would be a very bad choice, as the overall accountability of the process will suffer from it. It is not a sacrifice "for the sake of" but "at the cost of" overall accountability of the empowered community.

I completely agree with you on the importance of the internal accountability of the ccNSO. However, I think Alternative 1 does offer it. I also believe it would not be a sacrifice. It is a proposal on how to strike a balance between the imposed 21 days window for Decisional Participant Decision making and internal accountability.

The basic internal accountability process of the ccNSO consists of the following steps:

- Consultations with the ccTLD community (members and non-members)
- ccNSO Council decision
- 7 days period during which at least 10% of ccNSO members (currently 17 members) may ask for a ccNSO members ratification vote
- Members vote. The first round will need to meet the usual quorum of 50% +1 member. It means that 81 members need to vote. The voting period needs to stay open for at least a week to ensure we meet the quorum. If the quorum is not met there will be a second round of members vote with no quorum, but with a waiting period of 14 days.

If we follow the first three steps but skip the last step of the process (Alternative 2), we cannot claim that we have followed the process of internal accountability of the ccNSO. Yes, there is a risk that 10% of the ccNSO members believe that the ccNSO Council decisions calls for a ratification. The problem is that due to the rules, the full ccNSO membership will not have the opportunity to express their views. The Decisional Participant deadline will be overrun and the ccNSO will effectively be deemed to abstain, hence 10 % of members will be able to force a view on the ccNSO by asking for a ratification. Alternative 1 addresses this risk by skipping one step (request for ratification vote) but provides a window for extended consultations (somewhat similar to members vote). It allows the ccNSO to participate actively in the Empowered Community decision making process without running the risk that it needs to abstain.

If the majority of ccNSO members disagree with the ccNSO Council's decision (post factum), it means that the ccNSO Council have failed to: carry proper consultations with ccTLDs, listen to ccTLD community's concerns, take those concerns into account... well, yeah, the ccNSO Council has failed. Period. At the same time it might also mean that the community failed to voice their views.

Alternative 1 addresses the risks associated with the failure by making the consultation window larger and thus allowing the ccNSO Council to do their job properly and not just pushing them to take a hurried decision. Those who would request a ratification vote should actively express their opinion (i.e., vote) during the consultation period and the ccNSO Council should listen and take into account these views.

Alternative 1 may not be perfect and pose certain risks. But are the risks associated with Alternative 2 more acceptable to the community? That is the question.

>I suggest we combine alternative 2 with a review of our procedures, specifically to find a solution for the potential "10% paralysis"

I am not sure I understand what you mean by finding a solution for the 10% paralysis. The GRC would be happy to hear any proposals.

However, please take into account that the ccNSO Council must take a decision in Johannesburg on the Guideline. Then we need to wait for 7 days (to allow 10% of ccNSO members to request a ratification vote on this Guideline if needed, and, if so, we may be able to carry out at least one round of members vote). Yes, should the ccNSO members request so, we can have this as a temporary guideline with a condition that it needs to be improved within 2-3 month time. Please note, we will need this decision taking mechanism for Rejection Actions as well.

In order to change the Rules of the ccNSO, we need a lot of work to develop the document and a lot of time to adopt it. There are specific requirements to change the Rules, including a majority vote by the members. We cannot make it by Johannesburg.

Kindest regards,

]{ Katrina

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**From:** <[ccnso-members-bounces@icann.org](mailto:ccnso-members-bounces@icann.org)> on behalf of Katrina Sataki <[katrina@nic.lv](mailto:katrina@nic.lv)>

**Date:** vrijdag 19 mei 2017 17:02

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**Subject:** [ccnso-members] GRC and ccNSO Council: public comments on Guideline on Approval Actions

Dear Colleagues,

As you know, the ccNSO is a Decisional Participant and as such a part of the Empowered Community. As Decisional Participant we as ccNSO have the power to support or object to a so called Approval Actions or, if so determined, abstain from the matter. Further, to be considered

approved by the Empowered Community an Approval Action needs to be supported by at least three (3) Decisional Participants, and not objected to by more than one.

Recently we already informed you that the ICANN Board proposed changes to the Fundamental Bylaws. This has triggered the Approval Action process and as part of the process there will be a Community Forum during the Johannesburg meeting. During this Community Forum everybody can ask their questions. In addition, directly after the Community Forum, at the end of ICANN59, a 21-day period will start during which the ccNSO Council has to decide whether to support, object or abstain from the Approval Action.

To be ready as ccNSO to take such a decision, we as community need to have a guideline in place, at least need to know how we as ccNSO (members and Council) will structure our decision-making process. Therefore, the ccNSO Council intends to approve a ccNSO Approval Action guideline in Johannesburg at the latest.

The Guidelines Review Committee (GRC) has developed a draft guideline (Draft Guideline Approval Actions v6.docx). The core of the guideline is about the ccNSO decision making process. In developing this guideline the GRC has identified a major issue: the way we normally take major decisions can not be aligned with the timelines of the ICANN Bylaws Approval Action procedure. According to the Rules of the ccNSO from 2004, 10% of ccNSO members (currently 17 ccNSO members) may ask for a ccNSO members vote to ratify a ccNSO Council decision within 7 days after the ccNSO Council decision has been published, and only after 7 days after members had the opportunity to call for a ratification a ccNSO Council decision becomes effective. It is quite clear that we cannot squeeze our process, including the members vote, in the 21-day period we have for an Approval Action decision according to the Bylaws.

If the ccNSO does not meet this 21-day deadline it is deemed to have abstained from the matter, so neither support, nor object.

Moving forward, the GRC proposes two alternative solutions and the ccNSO Council would like to know your opinion.

Alternative 1: Rules of the ccNSO do NOT apply to this decision!

The process:

- after Community Forum the ccNSO Council has to seek opinion from the ccTLD community (mandatory)
- the ccNSO Council takes a decision (within 21 days, including the consultation period with the community)
- the ccNSO Council informs the Empowered Community Administration about the decision.

Pros:

- longer consultation period which means that the ccNSO Council may be better informed.
- 10% of ccNSO members cannot hold the entire ccNSO from expressing its position, lower possibility that the ccNSO abstains.

## Cons

- The internal accountability rules of the ccNSO are sacrificed for the sake of the overall accountability rules, no mechanism to ratify the ccNSO Council decision.

## Alternative 2: Rules of the ccNSO DO apply

### The process:

- during or directly after the Community Forum period the ccNSO Council seeks the opinion from the ccTLD community
- the ccNSO Council takes a decision (within 14 days after closure of the Community Forum Period, including consultation of the community)
- the ccNSO Council decision is only effective 7 days after it has been taken. If the decision is not challenged, the ccNSO Council informs the Empowered Community Administration about the decision.

### Pros:

- there is a mechanism to block ccNSO Council decision

## Cons

- shorter consultation period
- if 10% of ccNSO members (17 ccNSO members) call for a ratification, the ccNSO abstains from the matter as it will not be able to take an effective decision within the deadline of 21 days.

### To summarize, in both cases the ccNSO Council shall consider:

- the feed-back, views and input received from the ccNSO community;
- the results of the Community Forum;
- the importance of the matter for the ccTLD community;
- other factors deemed relevant by the ccNSO Council.

Finally, in the past we have been able to live up to our standard of decision-making and deliver decisions in time.

What is your opinion? Which alternative do you support?

To make it easier for you to understand the Approval Actions process we have prepared the following documents (see attachment):

- A high level graphical overview of the process – AA process.pdf
- A full timeline (overview) – Overview Approval Action Process.pdf (GANTT chart)
- A full timeline (detailed) – Detailed chart Overview Approval Action Process.pdf (GANTT chart)

If you have any questions, please do not hesitate to ask.

We are looking forward to your feed-back and input by 8 June. Please also note that we have scheduled a session to discuss this guideline in more details in Johannesburg on Tuesday, 27 June at 14:15.



Kind Regards,

] Katrina