

Empowered Community Administration Brief for the ccNSO Council

9 June 2017

Prepared by Stephen Deerhake, ccNSO representative to the Empowered Community Administration

Period Covered by this Brief

01-31 May 2017.

ECA Meetings/Teleconferences

No meetings or teleconferences of the ECA were held in May. I continue to represent the ECA with respect to the scheduling and logistics of the Approval Action Community Forum scheduled at the upcoming ICANN-59 meeting in Johannesburg (see below).

Communications from the ICANN Secretary

The following communications were received from the ICANN Secretary:

Date Received	Description	ECA Response Required	ECA Response Date
23.05.2017	Approval Action Board Notice (Fundamental Bylaw Change)	Yes	24.05.2017

Communications to the ICANN Secretary and Decisional Participants

The following notices were transmitted to the Decisional Participants and the ICANN Secretary:

Date Sent	Method	Description
18.05.2017	E+P	Board seat 11 selection notification letter from the ccNSO and ECA cover letter
18.05.2017	E+P	Board seat 14 selection notification letter from the GNSO and ECA cover letter
18.05.2017	E+P	Board seat 15 selection notification letter from the ALAC and ECA cover letter
24.05.2017	E only	Request for Approval Action Community forum at ICANN-59 in response to the Approval Action Board Notice received from the ICANN Secretary on 23.05.2017

Note: Under "Method", "E" means electronic delivery and "P" means delivery via Post

Outstanding Notices from the ICANN Secretary

Approval Action Board Notice (see <https://www.icann.org/en/system/files/bm/secretarys-notice-2-redacted-23may17-en.pdf>).

Expected Notices and Correspondence

In their upcoming meeting, the ICANN Board is expected to adopt the ICANN FY18 Operating Plan and Budget (<https://www.icann.org/en/system/files/files/strategic-plan-2016-2020-10oct14-en.pdf>). This will in turn result in the issuance of a Board Notice for Rejection Action by the ICANN Secretary to the Empowered Community Administration and all Decisional Participants. Issuance of the Board Notice for Rejection Action will start the 21 day period (the "Rejection Action Petition Period") during which constituents of Decisional Participants may file Rejection Petitions to the leadership of their respective Decisional Participants. Also within this 21 day period the petitioned Decisional Participant must decide

whether or not to accept the Rejection Petition from their constituent, and if they elect to accept it, they must also solicit the support of at least one other Decisional Participant within the Rejection Action Petition Period.

Likewise, if a Decisional Participant is solicited by another Decisional Participant to support their Rejection Petition, the solicited Decisional Participant must make a decision regarding their support or non-support of the Petitioning Decisional Participant within the Rejection Action Petition Period.

The specific procedures may be found in Annex D of the ICANN Bylaws (<https://www.icann.org/resources/pages/governance/bylaws-en/#annexD>).

What this means for the ccNSO is that if a constituent of the ccNSO files a Rejection Petition with the ccNSO, then the ccNSO council will have to make a Decision as to whether or not to accept the petition. If the Rejection Petition is accepted by the Council, then the Council will also have to solicit the support of at least one other Decisional Participant for the ccNSO initiated Rejection Petition.

Likewise, if the ccNSO is approached by a Petitioning Decisional Participant, the ccNSO Council will have to make a decision within the Rejection Action Petition Period as to whether or not to support the soliciting Decisional Participant's Rejection Petition.

Note that current Guidelines regarding the procedures by which the ccNSO Council makes decisions effectively preclude the ccNSO from meaningful participation in the Empowered Community's Exercise of its rights to reject specified actions.

Anticipated Activities

The Approval Action Community Forum has been scheduled during the ICANN 59 meeting in Johannesburg, South Africa between 08.00h-09.00h local time on Tuesday, 27 June 2017.

In accordance with Annex D, Section 1.3(5) of the Bylaws, this Forum will be managed and moderated by the Empowered Community Administration.

Logistical and Forum format and content issues are being discussed between the ICANN Board, ICANN Staff, and the Empowered Community Administration. These discussions are ongoing.

Empowered Community Administration Issues

As noted in the ECA Activity Brief for April, there is a dichotomy in authority between ICANN and the Empowered Community Administration with respect to the organization and scheduling of ECA mandated Public Forums. This has really become evident as work has progressed on the meeting schedule for ICANN 59.

Discussions with both ICANN Staff and ICANN Board members continue with respect to the above.