From:	ccnso-members-bounces@icann.org
To:	Katrina Sataki
Cc:	ccTLD Community List; ccnso-council@icann.org; ccNSO Members; cctldworld@icann.org
Subject:	Re: [ccnso-members] GRC and ccNSO Council: public comments on Guideline on Approval Actions
Date:	Tuesday, May 23, 2017 9:55:35 PM
Attachments:	ATT00001.txt

Dear Katrina, dear all

Interesting discussion and thank you to Katrina and the Council for developing some options and seeking input like this. It will be a good discussion to have in Johannesburg next month.

The decisions we need to make as a cc community that relate to Empowered Community (EC) powers aren't likely to usually be about global ccTLD or ccNSO policies. They relate to the whole ICANN community or system.

The very high thresholds and decision processes built into the bylaws decision making process (Alternative 2) weren't designed for the purpose that the Empowered Community puts them to.

Because of this context, I think that alternative 1 is probably preferable. It recognises that these decisions are less about ccTLDs and our issues, and are about all of ICANN.

The alternative proposed in Alternative 1 still protects ours rights to have a say in the ccNSO's decision and for the Council to proceed based on the views of the community, while avoiding us "accidentally" not deciding because we ran out of time in the EC powers timelines.

On the subject of reviewing our existing process: I think it would be problematic to weaken our existing processes on the issues they are designed to cover, so a review of the existing process that sped it up or weakened it to make this EC decision making work seems like the wrong thing to do. (If the problem of slow decisions or thresholds etc are actually problems in all our decision-making, then it would be worth having a look.)

Overall: my marginal preference is Alternative 1. It seems to be the "least bad", in Nick's formulation.

best regards

Jordan Carter (.nz)

On 20 May 2017 at 03:02, Katrina Sataki <katrina@nic.lv> wrote:

> 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 a 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 Juhannesburg on Tuesday, 27 June at 14:15.

Kind Regards,

]{atrina

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