



# ccNSO Guidelines – Rejection Actions and Approval Actions

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# Why are we discussing this?

- By-product of the post NTIA-Transition Bylaws
  - 22 July 2016 Amendments to the prior Bylaws<sup>1</sup>
  - Approved by the ICANN Board during their special meeting held on 9 August 2016<sup>2</sup>
  - Bylaws went into effect on 1 October 2016 when the US Government gave up direct oversight of the root zone

<sup>1</sup> <https://www.icann.org/resources/pages/governance/bylaws-en>

<sup>2</sup> <https://www.icann.org/resources/board-material/resolutions-2016-08-09-en#2.d>

# Why are we discussing this?

- The Bylaws themselves...
  - 27 Articles... (Article 10 relates to the ccNSO)
  - 10 Annexes...
  - 271 Pages (A4 format) !
  - 81.477 words !

# Why are we discussing this?

- Our responsibilities as a member of the Empowered Community
  - They are important
    - To the multi-stakeholder model embodied within ICANN
    - To the ccTLD Community at large
    - To our individual stakeholders within their respective communities
  - We have unique responsibilities within the SO/AC framework embodied in the ICANN Ecosystem

# So What are these “Actions”?

- **Approval Actions**

- Things the ICANN Board does that they need to get approval for from the Empowered Community for them to go into effect

- **Rejection Actions**

- Things the ICANN Board does that the Empowered Community has to take the initiative to block; otherwise what the Board decided goes into effect

# Approval Actions – What the Board needs to come to the Empowered Community for Approval

- Fundamental Bylaw Amendments and Articles Amendments (as contemplated in Section 25.2(b)) of the Bylaws
- Articles Amendments (as contemplated by Section 25.2 of the Bylaws)
- Asset Sales (as contemplated by Section 26(a) of the Bylaws)

# Rejection Actions – How the Community needs to respond to certain ICANN Board actions

- ICANN Budgets, as contemplated by Section 22.4(a)(v) of the Bylaws;
- IANA Budgets, as contemplated by Section 22.4(b)(v) of the Bylaws;
- Operating Plans, as contemplated by Section 22.5(a)(v) of the Bylaws;
- Strategic Plans, as contemplated by Section 22.5(b)(v) of the Bylaws;
- Standard Bylaw Amendments, as contemplated by Section 25.1(e) of the Bylaws.

# Rejection Actions – How the Community needs to respond to certain ICANN Board actions

- PTI Governance Actions, as contemplated by Section 16.2(d) of the Bylaws;
- IFR Recommendation Decisions, as contemplated by Section 18.6(d) of the Bylaws;
- Special IFR Recommendation Decisions, as contemplated by Section 18.12(e) of the Bylaws;
- SCWG Creation Decisions, as contemplated by Section 19.1(d) of the Bylaws;
- SCWG Recommendation Decisions, as contemplated by Section 19.4(d) of the Bylaws;



# The Current State of the Approval and Rejection Action ccNSO Guidelines

- **Approval Action Guideline**

- Adopted by ccNSO Council at their 29.06.2017 meeting (Resolution 130-07)

- **Rejection Action Guideline**

- Under development by the Guidelines Review Committee (GRC)
- Recent Versions:
  - Version 3            25-SEP-2017 (First version circulated to the Guidelines Review WG)
  - Version 4            20-OCT-2017 (Discussed at Abu Dhabi GRC-WG F2F meeting)

# Feedback from our discussions of the Rejection Action Guideline at ICANN59

- **“Option 2” now incorporated into the Guideline**
  - Community is given opportunity to veto Council Decision regarding a Rejection Action Petition
    - Either a Petition arising from within the ccNSO or from another SO/AC that Council has elected to support
    - Change of heart by the Council (i.e., withdrawal of support by the Council to a Rejection Petition)

# Flow Structure and Phasing – Rejection Guideline



# It all begins with the Board Notice of a Rejection Action

- Issued to the Empowered Community Administration and the SO/ACs by the ICANN Secretary
- Starts the 21 day clock “ticking” with respect to the Empowered Community submitting a Rejection Action Petition to the Empowered Community Administration (the “Rejection Action Petition Period”)
- Any submitted Rejection Action Petition must have the support of at least one other SO/AC
- No role (yet) for the ccNSO Community

# Rejection Petition Arising from Within the ccTLD Community (1/2)

- **Rejection Action Petition from any ccTLD:**
  - ccNSO Member ccTLD**
  - non-ccNSO Member ccTLD**
- **Petition must meet certain requirements (detailed in an Annex to the Rejection Guideline)**
- **Rejection Action Petition must be accepted by Council, thus making the ccNSO a “Rejection Action Petitioning Decisional Participant”**

## Rejection Petition Arising from Within the ccTLD Community (2/2)

- **Council needs to secure the support of at least one other SO/AC for the Rejection Action Petition within 7 days of the expiration of the 21 day “Rejection Action Petition Period”**
- **No role (yet) for the ccNSO Community with respect to this Rejection Action Petition**

## Rejection Petition Arising from another SO/AC

- **Council is solicited by another SO/AC to support their Rejection Action Petition**
- **Council must decide whether or not to lend the ccNSO's support to the Rejection Action Petition proposed by another SO/AC (if Council agrees to support, then the ccNSO becomes a "Rejection Action Supporting Decisional Participant")**
- **No role (yet) for the ccNSO Community with respect to this decision**

# ccNSO Responsibilities with respect to ANY Pending Rejection Action Petition

- **Participate in any conference calls regarding the Rejection Action Petition that the Empowered Community Administration elects to hold**
- **Participate in one or more Public Forums, if any, that the Empowered Community Administration (or ICANN) may elect to hold.**
- **No role (yet) for the ccNSO Community (other than to participate in any conference calls and any Public Forums that may be held)**



# Council Decision Time...

- **At any point before, during, or after the Rejection Action Community Forum the Council may decide to:**
  - Rescind support for a ccNSO initiated Rejection Action Petition
  - Rescind support for a Rejection Action Petition initiated by another SO/AC that the Council earlier elected to support as a Rejection Action Supporting Decisional Participant
- **During the 21 day “Rejection Action Decision Period” which commences at the conclusion of any public forum(s) held, the Council may decide to:**
  - Support the Rejection Action Petition under consideration
  - Not support the Rejection Action Petition under consideration
  - Abstain from making a decision regarding the Rejection Action Petition under consideration
- **ccNSO Community can challenge any decision of the Council at this point**

## Rejection Action Guideline – next steps...

- **Completion of Draft Version 5**
  - Slight reorganization of Draft Version 4
  - Completion of two Annexes
- **Further review by the GRC, leading to its approval by the GRC**
- **Review by ICANN Legal**
- **Submission to Council for their approval**
- **Public Comment period for Community Review**
- **Final Adoption by the Council**

# Rejection Action Guideline

Questions?