

Empowered Community Administration Brief for the ccNSO Council

15 May 2017

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Period Covered by this Brief

01-30 April 2017.

ECA Meetings/Teleconferences

No meetings or teleconferences of the ECA were held in April. As a result of a brief email exchange early in April, I was designated to represent the ECA with respect to the likely Approval Action Community Forum at the upcoming ICANN-59 meeting in Johannesburg (see below).

Communications from the ICANN Secretary

No communications have been received by the ECA during the month of April.

Communications to the ICANN Secretary and Decisional Participants

No notices or other formal communications have been issued by the ECA to the ICANN Secretary or other Decisional Participants during the month of April.

Outstanding Notices from the ICANN Secretary

There are no outstanding notices from the ICANN Secretary.

Expected Notices

The Board has proposed a change to Article 4, Section 4.2 of the ICANN Bylaws, which is a fundamental bylaw and thus subject to Community Approval per Article 25.2(b) via the Empowered Community Powers enumerated in Article 6.2(a) of the Bylaws (the proposed bylaw change may be found at <https://www.icann.org/en/system/files/files/proposed-amend-bylaws-article4-section-4-2-31mar17-en.pdf>). The proposed change is currently posted for public comment, which is scheduled to conclude on 10 May (see <https://www.icann.org/public-comments/bylaws-bgc-2017-03-31-en> for details). The Staff report on the public comments received is due on 17 May, and the ICANN Board is scheduled to adopt the proposed change shortly thereafter, barring any major last-minute change of heart based on the Community comments received.

Adoption of the proposed Bylaw change by the Board will in turn cause the ICANN Secretary to issue an "Approval Action Board Notice" to both the Empowered Community Administration and the Empowered Community's Decisional Participants (the ALAC, the ASO, the ccNSO, the GAC, and the GNSO).

Anticipated Activities

Once the ECA receives the Approval Action Board Notice from the ICANN Secretary, the ECA will in turn notify the ICANN Secretary and the Decisional Participants that it intends to hold an Approval Action Community Forum during the upcoming ICANN-59 meeting in Johannesburg. Whilst the ECA can “direct” ICANN to convene a forum, the ECA has, per the Bylaws, essentially no control over the scheduling or format of the forum, per Annex D 1.2(3). This dichotomy in authority is being addressed (see below).

The Empowered Community Administration will most likely be holding the Empowered Community’s first Public Forum under the new Bylaws during the ICANN-59 meeting.

Empowered Community Administration Issues

As noted above, 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.

During the course of planning for the ICANN-59 meeting schedule, the Empowered Community did not receive equal status with the ICANN Board with respect to scheduling. As a result, the likely Approval Action Community Forum is scheduled “out of band”, between 08.00h and 09.00h on Tuesday morning, just prior to the commencement of the ccNSO Meeting.

After participating in an SO/AC Leadership-ICANN Meeting Staff Planning teleconference on 09.05.2017, I have a greater appreciation for the constraints the meeting planners are working with; however, the constraints in my mind suggest that the Community (and ICANN) need to review the adopted “A”, “B”, and “C” meeting formats, as they were designed for, and adopted for ICANN 2.0, and we are operating now under ICANN 3.0 Bylaws. ICANN 3.0 Bylaws require things that were not anticipated when the three meeting formats were adopted under the ICANN 2.0 regime.

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