Empowered Community

Decisional Participants

- GNSO
- ccNSO
- ASO
- ALAC
- GAC
Empowered Community

GNSO
ccNSO
ASO
ALAC
GAC

EC Administration
## Right to Reject Specified Actions

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Why?

- CCWG Accountability
- Part of Accountability of ICANN, major powers to reject certain actions
- Trade-off between effectiveness of ICANN as organization and accountability -> strict timelines
What is impact of Rejection Action?

Example: ICANN budget

ICANN proposed Budget subject to rejection Action (Section 22.4 -ICANN Budget)

If a proposed ICANN Budget is rejected by the Empowered Community it has no force and effect.

ICANN staff and the Board need to consider the explanation provided by the EC Administration as to why the EC has chosen to reject the ICANN Budget and propose a new ICANN Budget.
How Does It Work?
| Start | 40 day public comment period | Report | BoD decision | ECA notified | ccNSO gets involved ... |
Seven Core Steps in the Escalation Process

1. A petition is initiated in a SO or AC
2. The petition is accepted by the SO or AC
3. A conference call is held with the ICANN Board to discuss the petition
4. The petition is supported by other SOs or ACs participating in the Empowered Community
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6. The Empowered Community establishes if it wishes to use a community power
7. The Empowered Community advises the ICANN Board of its decision

Escalation of a concern can be stopped at any point if a threshold is not met or if a solution is found.
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Full ccNSO Process, including the Rules of the ccNSO (2004)

- ccNSO discusses the issue
- ccNSO Council is asked to vote
- 10% ccNSO members can ask for ratification
- ccNSO members vote
- If less than 50% vote, a second vote will commence

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<th>Issue</th>
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ccNSO Council decision comes in force or is put on hold

Worst scenario: 66 days*

* Does not include time for discussions/consultations
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Rejection Action Petition Period
21 days
ccNSO accepts a petition – 21 days

ccNSO receives a petition(s)

Rejection Action Petition Period
21 days

Council rejects petition
Council accepts petition

ccNSO Rules do NOT apply.
No member ratification process.
ICANN Bylaws are paramount and include prohibitive timeline
Who Can Submit a Petition?

**Guideline: Section 4.3.1**

- WG mandated to submit public comments: e.g., SOPC
- ccTLDs
- Regional Organisations
- ccNSO Council
Requirements For Submission

Guideline: Section 4.3.2.2

- A submitted public comment
- Include Rationale for Petition
  - If Budget specify significant issues that were raised before
  - If on Standard Bylaw specific requirements
- ccNSO timeline: No later then 10 days after start of the Rejection Action Petition Period
Petition Review by ccNSO

Guideline: Section 4.3.2.3 and 4.3.3

- Rejection Action Petition Manager to inform Council
- Rejection Action Manager to certify that requirements in section 4.3.2.2 are met
- Publication of certified petition on the ccNSO Webpage
- Certification and publication two days after submission of the Petition
- Opportunity for feed-back by community (Section 4.3.3)
Petition Review by ccNSO Council

Guideline: Section 4.3.4

- Council only looks at certified Petitions
- Council to decide on supporting petition
- Criteria:
  - Importance of the matter for ccTLD community
  - Other criteria
  - Feedback from community, if any

All decisions on all Petitions must be made by 20th day into the Rejection Action Petition Period
Informing ccTLD community, ECA and other DPs

Guideline: Section 4.3.5

- Council to inform ccTLD community of decision. NO Ratification vote!
- Council to inform other Decisional Participants
- Council to inform ECA & ICANN Secretary

- Notice to include:
  - Decision (Support or Reject) + Rationale
  - Petition + Rationale for Petition
Story line: ICANN Budget

• SOPC has submitted comments public forum
• Now submits rejection action: concerns re budget not addressed.
• Petition is certified by rejection Action petition manager
• Council accepts Rejection Petition on day 20 of Rejection action petition Period.
• Informs ccTLD community
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Rejection Action Petition Period
21 days

Rejection Action Petition Support Period
7 days
Rejection Action Petition Support Period
7 days

Other DP support Action? – 7 days

Other DP submits a petition? – 7 days

Supports the petition

NO support

ccNSO Rules do NOT apply.
No member ratification process.
ICANN Bylaws are paramount and include prohibitive timeline

If No Support: End of Process
Two scenarios:
Seek Support for ccNSO Petition
Support other DP’s petition

- General requirements
- Decisions need to be made in 7 days
  - Rules ccNSO do NOT apply (the Bylaws are paramount)
ccNSO seeks support for ccNSO Petition

**Guideline: Section 4.3.6**

- Other DP informed by decision to support Rejection Action Petition
- Rejection Action Petition Manager contacts other DPs
- Invite to support ccNSO Petition
- Decisions need to be made in 7 days after receiving notification
  - Rules ccNSO do NOT apply (the Bylaws are paramount)
ccNSO decides to support other DP’s petition

Guideline: Section 4.4

- Other DP notifies the ccNSO about its decision
- Post request on ccNSO Website/wiki
- Council Decision to support Petition.
- Criteria:
  - Importance of the matter for ccTLD community
  - Other criteria
  - Feedback from community, if any
- Need for Community Forum?
- Rules ccNSO do NOT apply (Bylaws are paramount)
Story line

- Other DP notifies the ccNSO about its decision
- Post request on ccNSO Website/wiki
- Council Decision to support Petition.
- Criteria:
  - Importance of the matter for ccTLD community
  - Other criteria
  - Feedback from community, if any
- Need for Community Forum?
- Rules ccNSO do NOT apply (Bylaws are paramount)
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Rejection Action Petition Period
21 days

Rejection Action Community Forum Period
21 days

Rejection Action Petition Support Period
7 days
ccNSO roles

- Inform ccTLD community
- Solicit views from ccTLDs
- Submit views from ccTLDs

- Participate in discussions
- Share their views
- Submit comments to ccNSO Council
- Contribute to Community Forum

Rejection Action Community Forum Period
21 days
Community Forum ccNSO Actions

Guideline: Section 4.5

- Council to determine how community is to provide feedback
- Community to provide input, if any on Supported rejection petitions
- Post request on ccNSO Website/wiki
ccNSO Decisions during Rejection Action Community Forum Period

Rejection Action Community Forum Period
21 days

ccNSO Decision during Community Forum Period

ccNSO Council decision to rescind support
Community supported petition

Rescinds support
No decision

Members role?
Members may request vote
Community Forum Period

ccNSO Council decisions

Guideline: Section 4.6

- Opportunity to rescind decision to support Petition during Community Forum period
- Decision no later than 8 days before closure of Community Forum
- Decision subject to members ratification (ccNSO rules)
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Rejection Action Petition Period
21 days

Rejection Action Petition Support Period
7 days

Rejection Action Community Forum Period
21 days

Rejection Action Decision Period
21 days
Final ccNSO Rejection Action Decision

Rejection Action Decision Period
21 days

ccNSO Decision on Rejection Action

ccNSO Council decision

To reject/abstain the action

To support the action

ccNSO members

10% of ccNSO members call for ratification

ccNSO members vote too late: no decision
Final Decision on each Petition

Guideline: Section 4.6

- Council is required to take final decision no later than on the 13th day of the Rejection Action Petition Period
- Period start after community Forum period
- Decision is to Support, Reject or Abstain
- 2004 Rules of the ccNSO apply
  - 10% members could ask for a vote
  - 7 days
  - If a vote requested -> ccNSO abstains
- Decision to be submitted no later than 20 days into Decision period to ECA, other DPs, ICANN Secretary and CCTLD COMMUNITY
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Rejection Action Petition Period: 21 days
Rejection Action Petition Support Period: 7 days
Rejection Action Community Forum Period: 21 days
Rejection Action Decision Period: 21 days
EC Rejection Notice to the Board (Yes/No)
Story Line: Impact of Rejection Action

Described in section 22.4 (ICANN Budget)

- (vii) An ICANN Budget that has been rejected by the EC pursuant to and in compliance with Article 2 of Annex D shall have no force and effect, and shall be void ab initio.
- (viii) Following receipt of an EC Rejection Notice relating to an ICANN Budget, ICANN staff and the Board shall consider the explanation provided by the EC Administration as to why the EC has chosen to reject the ICANN Budget in determining the substance of such new ICANN Budget.
- New Budget: subject to rejection action procedure again
- Board to adopt Caretaker Budget as described in Bylaws Annex E