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\(^1\)

  • Approved by the ICANN Board during their special meeting held on 9 August 2016\(^2\)

  • Bylaws went into effect on 1 October 2016 when the US Government gave up direct oversight of the root zone

\(^1\) [https://www.icann.org/resources/pages/governance/bylaws-en](https://www.icann.org/resources/pages/governance/bylaws-en)
\(^2\) [https://www.icann.org/resources/board-material/resolutions-2016-08-09-en#2.d](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 within the GR-WG)
    • Version 5 Soon (to be circulated to the GR-WG by mid-November)
Upcoming Rejection Actions

• Draft PTI and IANA FY19 Operating Plans and Budgets
  • Currently out for public comment
  • Comment period closes on 26 November 23:59 UTC
  • See https://www.icann.org/public-comments/draft-pti-iana-fy19-2017-10-09-en for details

• Draft ICANN FY19 Operating Plan and Budget
  • Board FC adoption expected mid January 2019
  • Comment period will likely run from mid January 2019 until early March 2019
Upcoming Rejection Actions (cont.)

• If you have serious issue(s) with the Draft PTI and IANA FY19 Operating Plan and/or Budget, then:

  You MUST submit a public comment expressing your issue(s) during the public comment period

  FAILURE TO SUBMIT A PUBLIC COMMENT PRECLUDES YOU FROM FILING A REJECTION ACTION PETITION LATER!

• This will also apply to the Draft ICANN FY19 Operating Plan and Budget as well
Upcoming Rejection Actions (cont.)

• You exercise your EC rights by filing a “Rejection Action Petition” with the ccNSO

• Once you have submitted your public comment begin work on your Rejection Action Petition

• The Rejection Action Petition must meet specific requirements – you can get help from the ccNSO

• If you know other ccTLDs which share your concern(s), solicit their support and have them make their views known to the ccNSO Council

• If you know members of other SO/ACs that share your concern(s), solicit their support and have them make their views known to their respective Council or leadership
Upcoming Rejection Actions (cont.)

• Due to the tight timeframes defined in the Bylaws your only hope for a successful outcome with a Rejection Action Petition is:

  • Proactive early development of your Rejection Action Petition
  • Early outreach to the ccNSO Council
  • Early outreach to actors in (at least) one other SO/AC that share your concerns so that they can in turn engage in early outreach to their leadership

• Delay = Failure
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

- Board Notice
  - CC rejection action petition
  - Support rejection action petition
  - Seek support Rejection action petition
  - Supported Rejection Action Petition
    - Community Forum
      - ccNSO Decision on Rejection Action Petition
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?