**Standing Selection Committee**

**Selection of GNSO Representative to the Empowered Community Administration**

**Overview**

In March 2017, the GNSO Council tasked the Standing Selection Committee to 1) develop the criteria and the process for the selection of the GNSO Representative to the Empowered Community for GNSO Council consideration by its June 2017 meeting, and 2) following the approval by the GNSO Council, carry out the selection process.

This summary aims to assist the SSC to deliver on these two tasks by providing information about the role of the Empowered Community (EC), the role of the EC Administration representative, applicable provisions of the Bylaws, details on the task, and Council processes following SSC recommendations.

**Background on the Empowered Community**

The EC is a nonprofit association consisting of the ICANN ALAC, ASO, ccNSO, GAC, and GNSO—each a Decisional Participant. The five Decisional Participants together comprise the EC. The EC’s sole purpose is to exercise its rights and perform its obligations under the ICANN Bylaws. Under the Bylaws, the EC has the following powers and rights:

* Appoint and remove Directors
* Recall the entire Board
* Reject ICANN and IANA budgets, and ICANN operating and  strategic plans
* Reject standard Bylaw  amendments
* Approve fundamental Bylaw  and Articles amendments, and  asset sales
* Reject PTI governance actions
* Require the ICANN Board to  review its rejection of IFR, special IFR, SCWG creation, and SCWG recommendation decisions
* Initiate community reconsideration request, mediation, or IRP
* Enforce its powers and rights in court

Each Decisional Participant shall adopt procedures for exercising the rights of the individual Decisional Participant. Work in this regards is under way in the GNSO.

**Background on the EC Administration**

The EC Administration is the administrative body through which the Decisional Participants act collectively. In representing a Decisional Participant on the EC Administration, the individual representative acts solely as directed by the represented Decisional Participant and in accordance with processes developed by such Decisional Participant.

In representing the EC Administration, the representatives act as required for the EC to follow the applicable procedures to exercise its rights.

**Responsibilities for the EC Administration**

From a GNSO perspective the representative is primarily a conduit for communicating GNSO Council decisions to the EC Administration. As a general matter, the EC Administration is responsible for the following tasks:

* Receives and sends notifications
* Moderates conference calls and community forums
* Tallies decisions of Decisional Participants
* Mediation
	+ Appoints representatives to represent the Empowered Community in mediation
	+ Selects slate of 5 potential mediators from Mediation Admin and
* Board Mediation Representatives

**Bylaws: Selection of EC Representative**

The following language in the Bylaws speaks to the appointment and role of EC Administration representatives:

*SECTION 6.3 EC ADMINISTRATION (a) The Decisional Participants shall act through their respective chairs or such other persons as may be designated by the Decisional Participants (collectively, such persons are the “EC Administration”). Each Decisional Participant shall deliver annually a written certification designating the individual who shall represent Decisional Participant on the EC. (b) In representing a Decisional Participant on the EC, the representative individual shall act solely as directed by the represented Decisional Participant and in accordance with processes developed by such Decisional Participant in accordance with Section 6.1(g).*

The GNSO Council confirmed in September 2016 that the GNSO Chair (currently James Bladel) will represent the GNSO as the Decisional Participant on the Empowered Community Administration on an interim basis recognizing that the GNSO representative shall act solely as directed by the GNSO Council in accordance with the ICANN Bylaws and other related GNSO Operating Procedures.

**SSC Responsibility**

The SSC has been tasked by the GNSO Council to develop the criteria and the process for the selection of the GNSO Representative to the Empowered Community for GNSO Council consideration by its June 2017 meeting (note, deadline for submission of documents and motions is 19 June 2017).

As part of its deliberations to develop the criteria and process, the SSC may want to consider the following questions/issues:

* The bylaw provision notes that the GNSO Chair or such other persons as may be designated by the GNSO serves as the GNSO Representative to the Empowered Community. How to decide whether another person than the GNSO Chair should be designated to the EC Administration? Is the GNSO Chair the default and only in specific circumstances may another person be designated, or is the GNSO Chair the fallback if no other person can be designated (e.g. for lack of candidates or lack of agreement)?
* In case the GNSO decides that another person should be designated, what selection process should be in place to review/evaluate candidates to serve as the GNSO representative on the EC Administration? Who should be considered qualified for the position? For example, should the call for volunteers be limited to a specific pool of potential candidates, such as GNSO Councillors, or should there be an open call to the broader community? Can a general process for appointments/nominations be followed?
* Is there a need to consider an alternate in case the representative is not available or interim appointments should the designated representative steps down?
* What should be the term for the representative? Annual certification is required by the Bylaws but that does not necessarily need to align with the term. Is there a term limit? What are renewal requirements? What is the timeline for the selection / approval process?

As part of its deliberations, the SSC may want to consider the selection processes that have been developed by some of the other Decisional Participants. So far, only the ccNSO and ALAC have confirmed EC representatives (all others currently have interim appointments in place). The following documentation may be useful for reference:

Guideline: Appointment of the ccNSO Representative on the Empowered Community Administration

*2.1 General Information and the Scope of Mandate of the ccNSO Appointed Representative: The ccNSO shall act through its representative on the EC Administration. Unless the ccNSO designates another person, the representative of the ccNSO is the Chair of the ccNSO Council. The ccNSO representative shall act solely as directed by the ccNSO Council in accordance with this and other related ccNSO guidelines.*

*2.2 Appointment of the ccNSO Representative: The ccNSO representative will be appointed yearly by a simple majority of the ccNSO Councillors eligible to vote and present at the meeting at which the ccNSO representative is appointed. Only ccNSO Councillors who do not volunteer are eligible to vote. The appointment is aligned with the yearly elections of the Chair and Vice-chairs of the ccNSO. If no volunteer steps forward or cannot be appointed, the Chair of the ccNSO Council shall be the ccNSO representative on the EC Administration.*

In practice, the ccNSO Chair was the first choice for the position within the ccNSO. Only after the Chair expressed that she was not interested in the role was an additional process triggered. A call for volunteers was extended to members of the ccNSO Council, which resulted in the selection of Councillor Stephen Deerhake.

[ALAC Rules of Procedure](https://community.icann.org/display/atlarge/Rules%2Bof%2BProcedure?preview=/2262672/62393622/ALAC%20RoP-Revision3-For_Approval-Clean-20160909.pdf)

*24.3 The ALAC will be represented on the EC Administration by the Chair of the ALAC, or by a delegate of the Chair as agreed to by the ALAC with a Super-majority vote in accordance with the processes in Section 12. All actions of the ALAC representative to the EC Administration in respect to this role shall be limited to those actions formally decided by the ALAC.*

ALAC Chair Alan Greenberg will serve as representative to the Empowered Community Administration on behalf of the ALAC.

**GNSO Council Voting Threshold for selecting the GNSO Representative to the EC**

Note that following the approval of the criteria and process and the roll-out of the selection process, including proposed recommendation by the SSC, the GNSO representative to EC is approved by a GNSO Council simple majority of each house vote.