

ACCOUNTABILITY MECHANISMS

	Name of Mechanism	Specification of consensus threshold for ICANN's "due" consideration of GAC Advice
Description	Description	<p>ICANN bylaws require ICANN to "duly" take GAC advice into account. If the Board does not follow GAC advice there is a process required to try and come to agreement.</p> <p>Today such GAC advice is decided by consensus, as regulated by GAC's Operating Principles.</p> <p>The GAC could at any time decide to change its Operating Principles to change the way advice is agreed. Such a change would change (increase or decrease) governmental influence in ICANN, because it would change the likelihood of GAC providing advice.</p> <p>This mechanism would involve changing the ICANN bylaws to specify that the current "consensus" threshold would be the threshold at which ICANN must "duly" take GAC advice into account.</p> <p>There would be no impact or constraint on the GAC in determining its Operating Principles or working methods.</p>
	Category (check & balance, review, redress)	Check and balance (?)
	Is the mechanism triggered or non triggered ?	Non-triggered – it would simply form part of the enduring framework for ICANN.
	Possible outcomes (approval, re-do, amendment of decision, etc.)	Specifies threshold at which ICANN deals with GAC advice under bylaw Article XI Section 2 clause 1j.
	Standing	Conditions of standing (ie « last resort », type of decision being challenged, ...)
Who has standing (directly or indirectly affected party, thresholds...)		Not applicable.

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Standard of review	Which standards is the decision examined against (process, principles, other standards...)	Not applicable.
	Which purpose(s) of accountability does the mechanism contribute to ?	<p>Primarily this purpose:</p> <ul style="list-style-type: none"> • Ensure decisions are for benefit of the public, not just for a particular set of stakeholders <p>It contributes to this purpose by ensuring the status quo level of influence for GAC advice is maintained and can only be changed by agreement of the whole community through future changes to the bylaws (rather than simply GAC decisions on its operating principles).</p>
Composition	Required skillset	Not applicable.
	Diversity requirements (geography, stakeholder interests, gender, other...)	Not applicable.
	Number of persons (approximate or interval)	Not applicable.
	Independence requirements	Not applicable.
	Election / appointment by whom ?	Not applicable.
	Recall or other accountability mechanism	Not applicable.
Decision making	Is the decision mandated or based on personal assessment	Not applicable.
	Decision made by consensus or vote ?	GAC decision-making is defined by GAC in its Operating Principles.
	Majority threshold (if applicable)	GAC decision-making is defined by GAC in its Operating Principles. This proposal deals with how ICANN is obliged to respond to GAC advice by specifying that the treatment set out in the bylaws should occur only when current consensus thresholds are met.

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CCWG Accountability

Template

Accessibility	Cost requirements	Not applicable.
	Timeframe requirements	To be implemented before IANA stewardship transition.
	Language requirements	Not applicable.
Implementation	Potential means to implement	<p>Amendment to ICANN Bylaws, with Article XI Section 2 clause 1j changed as follows. (Changes identified as follows: additions in <u>bold and underlined</u>, deletions struck through.)</p> <p>j. The <u>Consensus</u> advice of the Governmental Advisory Committee on public policy matters shall be duly taken into account, both in the formulation and adoption of policies, <u>where consensus is understood to mean the practice of adopting decisions by general agreement in the absence of any formal objection.</u> In the event that the ICANN Board determines to take an action that is not consistent with the Governmental Advisory Committee <u>consensus</u> advice, it shall so inform the Committee and state the reasons why it decided not to follow that advice. The Governmental Advisory Committee and the ICANN Board will then try, in good faith and in a timely and efficient manner, to find a mutually acceptable solution.</p>

Note: the above language defining “consensus” is a direct copy from Principle 47 of the GAC’s Operating Principles, which refers to the United Nations standard. GAC’s current Operating Principles as agreed at Dakar in October 2011 are available at <https://gacweb.icann.org/display/gacweb/GAC+Operating+Principles>