

ACCOUNTABILITY MECHANISMS

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| Description | Name of Mechanism | 1C. Block adoption by ICANN Board of strategic plan or budget |
| | Description | Power for community representatives to block adoption by the ICANN Board of the strategic plan or budget |
| | Category (check & balance, review, redress) | Check & balance |
| | Is the mechanism triggered or non triggered ? | Non triggered (process driven, not incident driven) |
| | Possible outcomes (approval, re-do, amendment of decision, etc.) | Amendment of decision of ICANN board/management possibly preceded by independent review |
| Standing | Conditions of standing (ie « last resort », type of decision being challenged, ...) | (possible 1 st step: independent review) Last resort: blocking decision of ICANN Board/management |
| | Who has standing (directly or indirectly affected party, thresholds...) | Stakeholders |
| Standard of review | Which standards is the decision examined against (process, principles, other standards...) | ICANN bylaws, ICANN Articles of Incorporation, public interests, stakeholders' interests, financial stability of ICANN, impact of budget |
| | Which purpose(s) of accountability does the mechanism contribute to ? | Comply with its own rules Achieve certain levels of performance as well as security Ensure decisions are for the public benefit, not just for a particular set of stakeholders |
| Composition | Required skillset | Skill to understand strategic plans and budgets, financial management Skill to assess budget and strategic plan vs: ICANN bylaws, ICANN's Articles of Incorporation, public interests, stakeholders' interests, financial stability of ICANN |
| | Diversity requirements (geography, stakeholder interests, gender, other...) | Adequate stakeholder representation Remark RM: this is where it becomes obvious that the template was not made for "powers", but for "mechanisms", as distinguished in our doc "Scope, Powers and Mechanisms Working Paper" |
| | Number of persons | Adequate stakeholder representation |

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CCWG Accountability

Template

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| | (approximate or interval) | |
| | Independence requirements | Adequate stakeholder representation will ensure independence of the group, though –possibly- their will be dependencies for one or more individual stakeholders |
| | Election / appointment by whom ? | Remark RM: again, this is where it becomes obvious that the template was not made for “powers”, but for “mechanisms” |
| | Recall or other accountability mechanism | See above |
| Decision making | Is the decision mandated or based on personal assessment | Not sure I understand the distinction here. There two options as far as I am concerned: <ol style="list-style-type: none"> 1. The community representatives have to get back to their constituencies and get their (consensus) approval to block the board’s approval of the strategic plan and/or budget (not workable for budget: will take too long with the risk of failing altogether. Might work for strategic plan) 2. The community representatives have the mandate from their respective constituencies to take a position based on their personal assessment of the strategic plan and/or budget |
| | Decision made by consensus or vote ? | Vote. Consensus introduces (or reinforces) the risk of capture: if a particular stakeholder group has convinced the ICANN board to adopt a particular part of the strategic plan or budget, this same stakeholder group can then prevent the community from blocking the adoption of the plan |
| | Majority threshold (if applicable) | Supermajority |
| Accessibility | Cost requirements | Remark RM: again, this is where it becomes obvious that the template was not made for “powers”, but for “mechanisms”. The power has little or no costs (except possibly the costs of independent review and financial advice) |
| | Timeframe requirements | <ul style="list-style-type: none"> • For the strategic plan: considering we now have a five year “rolling” strategic plan, adoption of any revision of that plan is not an urgent matter. My personal assessment: process should be given 6 months max, covering 1 ICANN meeting • For the budget: if the group of representatives approves a temporary budget containing the unchallenged part of the proposed budget, I would say 3 months max. If not, ICANN should not get stuck by lack of an approved budget, the existing process for getting an approved budget is already squeezed for time; max 1 month. |
| | Language requirements | As regular |
| Implementation | Potential means to implement | <ul style="list-style-type: none"> • An amendment to ICANN’s bylaws that gives the |

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| | | <p>(group of) community representatives this power</p> <ul style="list-style-type: none">• A mechanism (SO/AC structure, P-CCWG, statutory delegates, statutory members, supervisory board) to delegate this power to |
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