CCWG Accountability

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Template

ACCOUNTABILITY MECHANISMS

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| **Description** | Name of Mechanism | Community "Veto" Process to Challenge Certain Board Decisions |
| | Description | ICANN's bylaws could provide for a mechanism that would allow the ICANN community to challenge certain board decisions with a community "veto" process. When triggered by a challenge of the requisite portion of the overall ICANN community, (for example the chairs of 2 SO's/AC's agree to challenge an eligible board decision), then the individual members of the impacted ICANN community vote through their existing sub-communities (SO's/AC's) on whether to accept or reject the particular board decision in question. Via bylaws provisions, the board could require itself to accept the decision of a community veto unless, the board subsequently voted to retain its original decision by a very high threshold (4/5 or unanimously). This challenge mechanism would only apply to a narrow set of predetermined high impact board decisions such as the adoption of the organization's strategic plan, approval of the budget, approval of bylaws, etc. Those segments of the ICANN community who make decisions via a consensus process could utilize that existing consensus process rather than elections/votes. The ICANN Ombudsman (or other neutral 3rd party) could administer the community veto process. |
| | Category (check & balance, review, redress) | Redress – it can over-turn a board decision if successful. |
| | Is the mechanism triggered or non triggered ? | Triggered – by the lodging of a successful "call to question" on a narrow set of high-impact board decisions. <br><br> Possible example: the chairs of 2 SO's/AC's agree to challenge an eligible board decision by calling it to question with the broader ICANN community. <br><br> The underlying SO/AC decision to trigger is taken through its internal process. Possible example: SO/AC leadership committees vote to lodge the challenge and call the decision to question to the broader community. |
| | Possible outcomes (approval, re-do, amendment of decision, etc.) | Encourage the board of directors to be more responsive to the community, at least, out of concern for a veto. <br><br> At most, the mechanism can over-turn a decision of the board of directors. <br><br> Re-do. Board decisions would not be "changed" in the process but rather, they would be "rejected" by the community – sent back for further work before adoption by |

| | | the organization. |
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| **Standing** | Conditions of standing (ie « last resort », type of decision being challenged, …) | This mechanism would only apply to a narrow set of predetermined high impact board decisions such as the adoption of the organization's strategic plan, approval of the budget, approval of bylaws, etc.

The mechanism would only be available if successfully triggered by a sufficient TBD support level within the community (for example, if 2 AC/SO chairs called an eligible board decision into question). |
| | Who has standing (directly or indirectly affected party, thresholds…) | Directly affected parties –

All ICANN community members impacted by certain board decisions would have the right to cast a vote on a veto question.

SO/AC chairs would be empowered to call an eligible decision into question by the wider community (trigger).  The threshold for SO/AC chairs to successfully call a decision into question could be 2 or 3 SO/AC chairs call for the veto question, for example. |
| **Standard of review** | Which standards is the decision examined against (process, principles, other standards…) | A specific and narrow set of pre-determined board decisions of high impact to the entire ICANN community would be the only decisions eligible for examination and challenge by the community.  Each community member's own independent judgment of what is in the public interest is the standard decision makers could use to exercise the veto right.  (Same standard used by ICANN board of directors to act in public interest). |
| | Which purpose(s) of accountability does the mechanism contribute to ? | Primarily this purpose:
  • Ensure ICANN's decisions and activities are in accordance with wishes of the community ICANN serves on fundamental issues.
  • Enables ICANN to be more "bottom-up" in operation and thus legitimizes ICANN's governance role.

It empowers the ICANN community members to directly challenge certain board decisions that are widely unpopular among a number of segments in the ICANN community. |
| **Composition** | Required skillset | Not applicable. |
| | Diversity requirements (geography, stakeholder interests, gender, other…) | Support from several relevant stakeholder interests (AC's/SO's) would be required to challenge an eligible board decision and successfully trigger the community veto process.

Broad support from the widest reach of ICANN stakeholders would be required to decide to veto the board's decision, as all members of the ICANN community would be entitled to a decision making role on these fundamental issues. |

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| | Number of persons (approximate or interval) | All members of the various segments in the organizational framework that together comprise ICANN would be participants in this process.  That includes all of the individual members of ICANN's ACs, SOs, etc.

The various SO's and AC's etc. would hold a proportionate weight relative to each other to reach the overall decision of the community to reject an eligible board decision.  The proportionate or relative weight of the various SO's and AC's would be commensurate with existing balances in ICANN's organizational framework.  The existing balance in decision making is intended to be undisturbed by this mechanism. |
| | Independence requirements | Not applicable. |
| | Election / appointment by whom ? | Once triggered, the individual ICANN community members themselves would vote in a community-wide election to accept or reject an eligible board decision.  However, those segments of the community who make determinations via consensus rather than vote, would utilize its existing consensus process to reach its decision on the question.  The individual community members would make their own decision via their own SO/AC processes.  No need to select representatives, although it is another, less direct way of reaching the SO/AC decision.  Each SO/AC group's decision would be weighted and balanced with the other SO/AC decisions to reach the overall decision of the community to reject a board decision.  For example, X number of CCnso's would have direct vote to reject or accept, which would be tallied into a single decision, which is then weighted against the decisions of the GNSO, At-Large, etc. to comprise the overall decision of the community regarding a particular board decision. |
| | 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 ? | Once triggered, the ICANN community members could vote in a community-wide election to accept or reject an eligible board decision.  However, those segments of the community who make determinations via consensus process rather than elections, could utilize its existing consensus process to reach its decision on the question.  SO/AC leaders would utilize their existing internal decision making processes to determine if the question would be called (triggered) in the first place.  This mechanism does not attempt to alter the exiting internal decision making processes of the various groups within the ICANN community.  On the contrary, it would call ICANN |

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| | | groups' existing internal decision making processes into action. |
| | Majority threshold (if applicable) | To challenge to an eligible board decision:<br>• Trigger: 2-3 AC/SO support a "call to question" from the wider community;<br>• Veto: Super-majority of community members decide to reject board decision;<br>• Unless: Super-super-majority of board members subsequently vote to retain original decision (4/5 or unanimous board). |
| | Cost requirements | Not applicable. |
| | Timeframe requirements | To be implemented before IANA stewardship transition. |
| | Language requirements | Not applicable. |
| **Implementation** | Potential means to implement | Amendment to ICANN Bylaws and/or Articles of Incorporation in accordance with advice from legal council. |