

ACCOUNTABILITY MECHANISMS

Work Item: WP1-7G: Community Council mechanism
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	Name of Mechanism	Community Council
Description	Description	This would be a standing body, constituted under the bylaws, representing the ICANN community in exercising specific powers granted to it developed in the course of CCWG's work (e.g. forcing reconsideration of the Budget, removing the ICANN Board of Directors).
	Category (check & balance, review, redress)	Not Applicable (N/A) The categories apply to the powers exercised under the mechanism, not the mechanism itself.
	Is the mechanism triggered or non triggered ?	N/A This applies to the powers exercised by the Community Council, not the mechanism itself.
	Possible outcomes (approval, re-do, amendment of decision, etc.)	N/A This applies to the powers exercised by the Community Council, not the mechanism itself.
	Standing	Conditions of standing (ie « last resort », type of decision being challenged, ...)
Who has standing (directly or indirectly affected party, thresholds...)		N/A This applies to the powers exercised by the Community Council, not the mechanism itself.
Standard of review	Which standards is the decision examined against (process, principles, other standards...)	N/A This applies to the powers exercised by the Community Council, not the mechanism itself.
	Which purpose(s) of accountability does the mechanism contribute to ?	N/A This applies to the powers exercised by the Community Council, not the mechanism itself.

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Composition	<p>Required skillset</p>	<p>The Community Council will be a standing body in ICANN, established under the Articles / Bylaws with the general purpose of being the way the Community exercises its reserve powers over ICANN.</p> <p>Appointees to the Council should be members of the ICANN Community in good standing and able to make decisions that relate to the various powers granted to the Council</p> <p>In general, they will need:</p> <ul style="list-style-type: none"> • advanced knowledge of ICANN’s Articles and Bylaws, including the proposed Compact; • understanding of expectations of the ICANN community; and • understanding of ICANN’s environment and context
	<p>Diversity requirements (geography, stakeholder interests, gender, other...)</p>	<p>Option 1 The Council will achieve diversity of stakeholder and gender representation, due to the requirements set out in the next box.</p> <p>Option 2 The Council will achieve diversity of stakeholder, gender and regional representation, due to the requirements set out in the next box.</p>

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	<p>Number of persons (approximate or interval)</p>	<p>Option 1: The Community Council will consist of twelve members, comprised as follows:</p> <ul style="list-style-type: none"> • Two representatives of each of the following community bodies: <ul style="list-style-type: none"> ○ ccNSO ○ GNSO ○ ASO ○ ALAC ○ GAC • One representative of each of the following bodies: <ul style="list-style-type: none"> ○ SSAC ○ RSSAC <p>In selecting their representatives, the community bodies electing two representatives must elect two people of different genders.</p> <p>Option 2: The Community Council will consist of twenty nine members, comprised as follows:</p> <ul style="list-style-type: none"> • Five representatives of each of the following community bodies: <ul style="list-style-type: none"> ○ ccNSO ○ GNSO ○ ASO ○ ALAC ○ GAC • Two representatives of each of the following bodies: <ul style="list-style-type: none"> ○ SSAC ○ RSSAC <p>In selecting their representatives, the community bodies electing five representatives must:</p> <ul style="list-style-type: none"> • ensure equitable representation across the five ICANN regions; and • elect at least two men and at least two women. <p>The community bodies electing two representatives must:</p> <ul style="list-style-type: none"> • elect two people from different ICANN regions; and • elect two people of different genders.
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	<p>Independence requirements</p>	<p>Members of the Community Council may not be from any of the following categories of people:</p> <ul style="list-style-type: none"> • ICANN Directors or Board Liaisons • ICANN Staff • ICANN’s Nominating Committee • Members of any Review or Redress institutions • Current office-holder (Chair or Vice Chair) in an SO or AC • Staff of entities that are commercially dependent on ICANN <p>No more than two members of the Community Council may be from any single company or group of related companies, or from one national government or other governmental organisation.</p>
	<p>Election / appointment by whom ?</p>	<p>Members of the Council are appointed, by their SOs and ACs according to their usual documented processes, for a term of one year, commencing on 1 January.</p> <p>If the appointing body has not appointed member/s in time for 1 January, the current member/s continue/s in office until the new one/s is/are appointed (and the term limit does not apply).</p> <p>Members are eligible for re-election for a maximum of three consecutive terms, and for five terms in total.</p> <p><i>(note: this ensures that the Council cannot be sabotaged by appointing bodies failing to appoint members.)</i></p>
	<p>Recall or other accountability mechanism</p>	<p>The appointing bodies can hold their members to account:</p> <ul style="list-style-type: none"> • Where an appointing body has concerns about the actions of a member they have appointed, they may by whatever process they choose issue the member with a Formal Warning. • Not sooner than thirty days after the issue of a Formal Warning, if the appointing body’s concerns have not been resolved, they may appoint a new member to replace the specified member (using the same process they used to appoint that member in the first place). The new member takes over seamlessly from the old member. • For the powers granted to the Council, there should be specification as to whether a member in receipt of a Formal Warning are able to vote related to that power. <p><i>(note: this ensures that the Council cannot be sabotaged by appointing bodies removing their members and failing to appoint new ones.)</i></p>

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CCWG Accountability

Template

Decision making	Is the decision mandated or based on personal assessment	N/A This applies to the powers exercised by the Community Council, not the mechanism itself.
	Decision made by consensus or vote ?	N/A This applies to the powers exercised by the Community Council, not the mechanism itself.
	Majority threshold (if applicable)	N/A This applies to the powers exercised by the Community Council, not the mechanism itself.
Accessibility	Cost requirements	The general costs of the Council's existence and operation, including whatever staffing or contracted secretariat support it requires.
	Timeframe requirements	To be implemented before IANA stewardship transition (i.e. WS1).
	Language requirements	As general in ICANN – translated into the usual languages.
Implementation	Potential means to implement	Amendments to Articles and/or Bylaws that create the Community Council and its powers, in a way which sees them unable to be changed except by community consent.