

ACCOUNTABILITY MECHANISMS

Description	Name of Mechanism	1A. Block changes to ICANN's bylaws
	Description	Power for community representatives to (approve or) block changes that the ICANN Board intends to make to ICANN's bylaws
	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
Standing	Conditions of standing (ie « last resort », type of decision being challenged, ...)	Last resort: blocking decision of ICANN Board
	Who has standing (directly or indirectly affected party, thresholds...)	Stakeholders, global internet community
Standard of review	Which standards is the decision examined against (process, principles, other standards...)	Existing ICANN bylaws, public interests, stakeholders' interests, applicable (Californian) law
	Which purpose(s) of accountability does the mechanism contribute to ?	Comply with its own rules and processes Ensure decisions are for the public benefit, not just for a particular set of stakeholders
Composition	Required skillset	Skill to understand legal language Skill to assess impact of bylaw change on public interests
	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 (approximate or interval)	Adequate stakeholder representation

ACCOUNTABILITY MECHANISMS

	Independence requirements	Adequate stakeholder representation will ensure independence of the group, though –inevitably- 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 decision (not workable: will take too long with the risk of failing altogether) 2. The community representatives have the mandate from their respective constituencies to take a position based on their personal assessment of the bylaw amendment on the public interests/stakeholders’interests (NOT their personal interests)
	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 make an amendment to the bylaws, this same stakeholder group can then prevent the community from blocking that amendment
	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 no costs (except possibly the costs of independent legal advice on the proposed bylaw amendment)
	Timeframe requirements	An amendment of ICANN’s bylaws is probably not an urgent matter. My personal assessment: process should be given 6 months max, to include at least one ICANN meeting
	Language requirements	As regular
Implementation	Potential means to implement	<ul style="list-style-type: none"> • An amendment to ICANN’s bylaws that gives the (group of) community representatives this power • A mechanism (SO/AC structure, P-CCWG, statutory delegates, statutory members, supervisory board) to delegate this power to