5.1.2 Influence in the Community Mechanism

191 The CCWG-Accountability considered the decision weights of the various parts of the community. The following table sets out the Reference Mechanism, which was the most supported approach among CCWG-Accountability participants.

Community segment	Reference Mechanism "votes"
ASO	5
ccNSO	5
gNSO	5
At Large	5
GAC	5
SSAC	2
RSSAC	2

192 The CCWG-Accountability also discussed two further approaches, neither of which received significant support:

    1. ~~Alternative A - Each SOs receives 4 "votes"; each AC receives 2 "votes."~~

    2. Alternative B - Each SO and AC receives 5 "votes."

193 The rationale for these options is as follows:

    a. The Reference Mechanism gives the bulk of influence on an equal basis between the three SOs for which ICANN deals with policy development and the two ACs that are structurally designed to represent stakeholders (Governments and Internet users, respectively) within ICANN, while still guaranteeing a say for the other ACs.

    b. The reasons to allocate a lower number of "votes" to SSAC in the Reference Mechanism is that it is a specific construct within ICANN designed to provide expertise on security and stability, rather than a group representing a community of

stakeholders.

c. For RSSAC, the reason is slightly different but relies on the limited size of the community of root server operators as well as the strong focus of their mission on operations (compared with ICANN's Mission being focused mainly on policy).

d. The rationale for Alternative A is that it gives the bulk of influence to the SOs, while guaranteeing a say for the ACs on an equal basis between them. It is therefore more closely aligned with the existing structure of ICANN.

e. The rationale for Alternative B is to give equal influence to each of the seven SOs and ACs, and more closely aligned with the currently preferred five-region approach to geographic representation.

f. The logic for 5 "votes" in the Reference Mechanism for the higher number is to allow for greater diversity of views, including the ability to represent all the ICANN regions in each SO. The logic for 4 "votes" in Alternative A is to allow for appropriate coverage across SGs in the GNSO.

g. The Reference Mechanism emerged as part of Work Party 1's deliberations following up on the CCWG-Accountability's discussions in Singapore. Alternatives A and B emerged recently in deliberations and of the whole CCWG-Accountability.

h. The subsidiary option discussed in Istanbul of 2 votes for the first five SOs and ACs, and one vote for the remaining two, has not been pursued.

194 Although each SO or AC has a specific number of votes, those votes may be subdivided, within limits, however the SO/AC decided and in particular fractional votes are allowed. This allows voting capability to be allocated within the SO or AC. Such allotment would be done through a formal decision of the SO/AC. The names of the individuals exercising the community rights shall be designated by the SO/AC or the appropriate sub-group.

195 The process of exercising votes, and the facilitator of the discussion of exercising the community power will be overseen by the ICANN Community Council.(ICC) Each SO and AC appoints one or more members to the ICC, each with a mandate to exercise some or all of the SO/AC votes. The maximum number of ICC members per SO/AC is eight.

a. It is net expected that the ICC will meet unless there is an issue raised by SO/ACs that requires consideration of whether to exercise a community power.

b. The ICC will be self-organized and appoints its own Chair who shall have the authority to conduct meetings.

c. The ICC would be the forum to garner support from other SO/ACs and from the further community

d. Any votes taken to exercise community powers would need to be fully transparent and public, and the vote exercised by a representative of part of the community would need to be traceable to a decision of those who are bring represented.

e. Any SO/AC that decides to not participate in exercising community powers in general or in a particular case will be deemed to have abstained on all votes allocated to that SO/AC

f. Abstentions shall not count as NOs, but reduce the overall number of ballots to be considered.

g. For each power, there will be a critical number of YES votes which will be required to exercise the power.

h. SO or ACs that chose to opt out of voting in general or on a particular issue are nevertheless welcome to participate in ICC discussions and/or provide any advice that they deem appropriate.

i. Should an issue arise between ICANN meetings, it is possible that a face-to-face meeting might be required. Although the likelihood of this happening is small, ICANN should annually budget for one such meeting.

Unresolved Issue

This issue was brought up by several people at the Buenos Aires CCWG meeting. The issue is whether the special treatment accorded GAC advice (Article XI, Section 2.1j-k - https://www.icann.org/resources/pages/governance/bylaws-en/#XI-2.1j, after factoring in ATRT2 Recommendation 9.1[1], the Board must discuss its refusal to follow advice with the GAC and attempt to find common ground) should be allowed to co-exist with the GAC participating in the Community Council. Alternatively, if not, the Bylaw provision would have to be deleted if the GAC were allowed to participate in the community powers. The sub-group was divided on this issue. One suggestion was that if the GAC participates in the Community Council, it should not then be able to give formal advice to the Board contrary to a decision of the Community Council. It was pointed out that such GAC advice could have pre-dated the Community Council decision.

QUESTIONS AND OPEN ISSUES:

10) What guidance, if any, would you provide to the CCWG-Accountability regarding the proposed options related to the relative influence of the various groups in the community

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[1] 9.1. ICANN Bylaws Article XI should be amended to include the following language to mandate Board Response to Advisory Committee Formal Advice:

The ICANN Board will respond in a timely manner to formal advice from all Advisory Committees, explaining what action it took and the rationale for doing so

mechanism? Please provide the underlying rationale in terms of required accountability features or protection against certain contingencies.