Appendix E: Work Area 2 Outcome

Input Gathered from the Community: Required Community Powers

As indicated in Section 2, the CCWG-Accountability reviewed the collection of public comments received during the development of the Enhancing ICANN Accountability process and categorized them as Work Stream 1 and Work Stream 2. Work Stream 1 mechanisms were defined as those that, when in place or committed to, would provide the community with confidence that any accountability mechanisms necessary to enhance ICANN's accountability within the timeframe of the IANA Stewardship Transition would be implemented if it had consensus support from the community, even if it were to encounter ICANN management resistance or if it were against the interest of ICANN as a corporate entity.

The mechanisms were divided into three sections:

1. **Mechanisms giving the ICANN community ultimate authority over the ICANN corporation:** Most of these were initially designated as Work Stream 1, since community Members need the leverage of the IANA Stewardship Transition to obtain these Bylaws changes.
2. **Mechanisms to restrict actions of the ICANN Board of Directors and management of the ICANN corporation:** Most of these were initially designated as Work Stream 2, since the Members could reverse ICANN Board or management decisions if Members are empowered in Work Stream 1 (see 1 above).
3. **Mechanisms to prescribe actions of the ICANN corporation:** Most of these were initially designated as Work Stream 2, since the Members could reverse ICANN Board or management decisions if Members are empowered in Work Stream 1 (above). For example, a bottom-up consensus process to change ICANN bylaws might be rejected by the ICANN Board, but the Members could then reverse that decision and force the change.

In addition, the CWG-Stewardship co-Chairs detailed, in a correspondence dated 15 April 2015, the expectations from their group with regards to CCWG-Accountability Work Stream 1 recommendations. These expectations are:

- **ICANN budget:** The CWG supports the ability for the community to "veto" a budget;
- **Community empowerment mechanisms:** The CWG-Stewardship will be relying on the community empowerment and accountability mechanisms that the CCWG-Accountability is currently considering and developing as a part of Work Stream 1. In particular, mechanisms such as: the ability to review ICANN Board decisions relating to periodic or ad-hoc reviews of the IANA functions undertake through the IANA Review Function (PRF or possibly IRF); the ability to approve or reject board decisions on PRF as well as the related creation of a stakeholder

community / member group in order ensure the ability to trigger these kinds of abilities;

- **Review and redress mechanisms:** The CWG-Stewardship would like to have the assurance that an IANA Periodic Review (or related ad-hoc review) could be incorporated as part of the Affirmation of Commitments mandated reviews integration into ICANN's Bylaws.
- **Appeal mechanisms (especially with regard to ccTLD related issues):** The CWG-Stewardship recommends that the CCWG-Accountability be mindful of the recommendations of the CWG-Stewardship in relation to an appeals mechanism for ccTLDs in delegation and re-delegation. The CWG-Stewardship has conducted a survey among the ccTLDs as part of the work of our Design Team B, and the results led to a recommendation which notes that ccTLDs may decide to develop their own appeals mechanism regarding re/delegation at a later date (post-transition). As such, any appeal mechanism developed by the CCWG-Accountability should not cover ccTLD delegation / re-delegation issues as these are expected to be developed by the ccTLD community through the appropriate processes. However, the CWG-Stewardship does want to emphasize the importance and need for an appeal mechanism to cover any other issues that may involve IANA, and notes that this is option is expected to be specifically called out as one of the possible escalation mechanisms[1] in the draft transition proposal.

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[1] As a note of clarification, the CWG-Stewardship has been referring previously to this appeals mechanism as IAP (Independent Appeals Panel) but understands that the CCWG-Accountability is referring to this mechanism as Independent Review Mechanism (IRP), which would also include the option for appeal. As such the CWG-Stewardship will be updating its references.