

CCWG ACCOUNTABILITY - STRESS TEST 18
16 November 2015

Variations on the “Common Ground” proposal circulated by Denmark on 16-Nov

Common Ground proposal (original)	Variations on Common Ground proposal, shown in brackets
<p>ICANN BYLAWS Article XI Advisory Committees</p> <p>Section 1. GENERAL The Board may create one or more Advisory Committees [...] shall report their findings and recommendations to the Board. <u>Where the Board is required to seek a mutually acceptable solution to an advisory committee's advice if the Board does not follow that advice, the Board is not obliged to seek such a solution if that Advisory Committee's advice was not supported by consensus. Advisory Committees should ensure that their advice to the Board is clear.</u></p> <p><u>In this context, each Advisory Committee has the right to determine its particular definition of consensus. [1]</u></p> <p><u>Footnote [1]: It is understood that determining consensus does not include reaching a decision based on majority voting whereby a fundamental disagreement with or objections to the advice by a minority of the AC representatives may be overridden. It is also understood that “consensus” does not necessarily mean “unanimity” or a broad measure of agreement that would allow an AC member or a very small minority of AC members to block consensus advice.</u></p> <p>Section 2, Item 1, relating only to the GAC j. The advice of the Governmental Advisory Committee on public policy matters shall be duly taken into account, both in the formulation and adoption of policies. In the event that the ICANN Board determines to take an action that is not consistent with the Governmental Advisory Committee advice, it shall so inform the Committee and state the reasons why it decided not to follow that advice. <u>Any GAC Advice approved by a GAC consensus may only be rejected by a vote of more than two-thirds (2/3) of the Board.</u> The Governmental Advisory Committee and the ICANN Board will then try, in good faith and in a timely and efficient manner, to find a mutually acceptable solution.</p>	<p>ICANN BYLAWS Article XI Advisory Committees</p> <p>[no edits to Section 1 are proposed]</p> <p>Section 2, Item 1, relating only to the GAC</p> <p>j. The advice of the Governmental Advisory Committee on public policy matters shall be duly taken into account, both in the formulation and adoption of policies. In the event that the ICANN Board determines to take an action that is not consistent with the Governmental Advisory Committee advice, it shall so inform the Committee and state the reasons why it decided not to follow that advice. <u>GAC advice approved by a GAC consensus may only be rejected by a vote of at least two-thirds (2/3) of the Board, after which the GAC</u> and the ICANN Board will then try, in good faith and in a timely and efficient manner, to find a mutually acceptable solution.</p> <p><u>[For purposes of this section, GAC “consensus” does not include reaching a decision based on majority voting whereby disagreements with or objections by a minority of GAC representatives may be overridden. It is also understood that “consensus” does not necessarily mean “unanimity” or a broad measure of agreement that would allow a GAC member or a very small minority of GAC members to block the determination of consensus.]</u></p> <p><u>[For purposes of this section, GAC “consensus” is understood to mean the practice of adopting decisions by general agreement in the absence of any formal objection.]</u></p> <p><u>[For purposes of this section, GAC “consensus” would match the concept of consensus as currently practiced by the United Nations.]</u></p>