

Community Decision-Making: Thresholds Consideration

18 November 2015

Introduction

During its call #68 on 17 November, the CCWG discussed a scenario related to decision thresholds in the Community Mechanism that has been raised by participants on the email list. This discussion has happened a couple of times since it became clear at / after Dublin that the RSSAC and SSAC would not be decisional participants in the Community Mechanism.

With these two groups excluded, it is likely the Third Draft Proposal will specify the three SOs, ALAC and GAC as the five “decisional participants” – groups that can express support for or objection to the use of a community power & the engagement process, or choose to express no view at all.

The scenario

A version of this scenario is as follows (this is entirely hypothetical):

A proposed Annual Operating Plan and Budget is approved by the Board even though substantial community concerns about a particular project (Project X) related to generic top level domains have not been taken into account.

The ALAC and the GNSO follow the escalation path and convene a Conference call to discuss exercising the Budget veto. Opposition continues to register.

The GAC joins the group in favour of vetoing the Budget to call a Community Forum. Opposition continues to register.

The ASO makes it clear it has no interest in the level of funding for Project X, which is the core of the dispute between Board and Community, and will not participate in the decision. This means only four SOs and ACs are left to make decisions.

The ccNSO is split on whether it is appropriate to make a decision on a gTLD names matter, and proves unable to reach a decision by the end of the time allowed. This is even though many ccTLD managers are opposed to Project X, and only a few support it.

The use of the community power lapses with only three SOs supporting its use, none objecting, and one not offering a decision (effectively, abstaining), so the Annual Operating Plan and Budget go into effect. The community remains upset and considers other options.

The problem

The concern raised by this scenario is as follows:

By reducing the number of decisional participants from seven groups to five groups, a threshold of four SOs and ACs expressing support to exercise a power is too high (if one of them is unable to participate). It is too high because it requires complete unanimity among the rest, a threshold that

is inconsistent with the CCWG's desire to avoid unanimity being required for the use of any of the powers.

Solving the problem

The approach I raised for dealing with this issue proposed on the CCWG call on 17 November was as follows:

For community powers that require consensus support from four SOs or ACs to exercise the power (powers on Budget, Fundamental bylaws change, Board recall and IANA Names functions separation), an exception should be added as follows:

Where only four SOs and ACs are participating in the decision to exercise the power (through supporting it or objecting to it), the threshold required is only three (3) SOs/ACs in favour, and no more than one objection.

In essence, adding this exception is a possible way to deal with the reduced number of decision-makers (from seven to five), and reduce the likely number of cases where unanimity might be required to use the relevant community powers. This would in turn make sure the powers could be used, and so the incentive effects they are designed to have on Board / Community cooperation would remain strong.

This approach develops what was in our Second Draft Proposal, where we suggested only counting affirmative votes to hit support thresholds. Non-participation in that system could also have led to unanimity among participants being a practical requirement.

Adopting this solution would be a **change** to our decision-making approach and would be noted as such (compared with Dublin, as this whole Dublin-based approach is new compared with the Second Draft Proposal).

The counter-argument & approach

A counter-argument to this can be expressed as follows:

Regardless of the reduced number of participants, the threshold should stay the same, because only the strongest and broadest possible community support should allow the exercise of the Community Powers for which a threshold of four SOs/ACs in favour has been proposed.

To give effect to this approach, no changes need to be made to what we decided a week or two ago.

Discussion

My view as rapporteur is that this question is finely balanced. There are two competing principles:

- Making sure community powers can be used without setting a threshold that practically requires unanimity
- Making sure community powers are only used with widespread community consensus

As a CCWG participant, I haven't come to a firm conclusion. It seems like the proposed approach steps back a little bit from high degrees of consensus (though they remain quite high); on the other hand, not modifying in line with the proposed approach risks leaving some of the powers practically un-useable, and that is not desirable.

Jordan Carter, WP1 Rapporteur, CCWG

Required Community Powers	Should we have a Conference Call?	Should we Convene a Community Forum?	Consensus support to exercise the Power?
1. Block a proposed Operating Plan/Strategic Plan/Budget	2 AC/SOs support blocking	3 AC/SOs support blocking	4 support block, and no more than 1 objection.
2. Approve changes to Fundamental Bylaws and Articles of Incorporation	2 AC/SOs support approval	3 AC/SOs support approval	4 support approval, and no more than 1 objection
3. Block changes to regular bylaws	2 AC/SOs support blocking	2 AC/SOs support blocking	3 support block, and no more than 1 objection
4a. Remove individual board directors appointed by AC/SO.	Majority within the appointing AC/SO	Majority within appointing AC/SO	Invite and consider comments from all SO/ACs. 75% majority within the appointing AC/SO to remove their director
4b. Remove individual board directors appointed by NomCom	2 AC/SOs support	2 AC/SOs support	3 support removal, and no more than 1 objection
5. Recall the entire board of directors	2 AC/SOs support	3 AC/SOs support	4 support recall, and no more than 1 objection*
6. Initiate a binding IRP where panel decision is enforceable in any court recognizing int'l arbitration results	2 AC/SOs support	2 AC/SOs support	3 support initiation, and no more than 1 objection Require mediation step before IRP begins
7. Reconsider/reject board decisions relating to reviews of IANA functions, including trigger of PTI separation	2 AC/SOs support	3 AC/SOs support	4 support, and no more than 1 objects

*a minority of CCWG participants prefer to require 5 AC/SOs, or allow 1 objection to block consensus