



# New ICANN Bylaws – MEA Webinar

25 October 2016  
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# ICANN Bylaws

- Approved by ICANN Board on May 27
- Puts into place requirements from transition proposal (ICG) and CCWG-Accountability Work Stream 1
- New roles for ICANN Community:
  - Empowered Community participation
  - Customer Standing Committee (PTI)
  - IANA Functions Reviews
  - Direct Selection of Review Team Membership

# CCWG-ACCT's 12 Recommendations Reflected in the Revised Draft Bylaws

1. **Sole Designator Model:** Establishing an Empowered Community for Enforcing Community Powers
2. **Escalation:** Empowering through Consensus: Engagement, Escalation, and Enforcement
3. **Changes to Bylaws:** Standard Bylaws, Fundamental Bylaws and Articles of Incorporation
4. **Seven New Community Powers:** Ensuring Community Involvement in ICANN Decision-making:
5. **Mission:** Changing Aspects of ICANN's Mission, Commitments, and Core Values
6. **Human Rights:** Reaffirming ICANN's Commitment to Respect Internationally Recognized Human Rights as it Carries out its Mission
7. **IRP:** Strengthening ICANN's Independent Review Process
8. **Reconsideration:** Improving ICANN's Request for Reconsideration Process
9. **AOC:** Incorporating the Affirmation of Commitments in ICANN's Bylaws
10. **SO/AC Accountability:** Enhancing the Accountability of Supporting Organizations and Advisory Committees
11. **GAC Advice:** Board Obligations with Regard to Governmental Advisory Committee Advice (ST 18)
12. **Work Stream 2:** Committing to Further Accountability Work in Work Stream 2

# Establishing an Empowered Community

The CCWG-Accountability recommends creating an entity that will act at the direction of the community to exercise and enforce Community Powers called the **“Empowered Community.”**

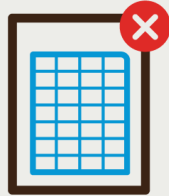
## THE EMPOWERED COMMUNITY:

- Will be given the role of Sole Designator of ICANN’s Board Directors and will have the ability to enforce directly or indirectly the Community Powers.
- Will act as directed by participating SOs and ACs, which will be referred to as the “Decisional Participants.”
- Will have the rules by which it is governed constituted in ICANN’s Fundamental Bylaws.

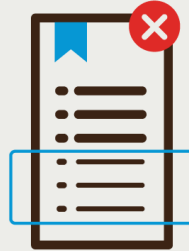
# The Empowered Community

- The **mechanism** designed by the CCWG-Accountability for the community to come together and **exercise new powers**
- It is comprised of the **ASO, ALAC, ccNSO, GAC** and **GNSO** (the **Decisional Participants**)
- New form of checks and balances in the Post-transition environment

# Community Powers



**REJECT BUDGET  
OR STRATEGIC/  
OPERATING PLAN**



**REJECT CHANGES  
TO ICANN  
STANDARD  
BYLAWS**



**APPROVE CHANGES  
TO FUNDAMENTAL  
BYLAWS OR ARTICLES,  
OR CERTAIN  
ASSET SALES**



**REMOVE  
INDIVIDUAL  
ICANN BOARD  
DIRECTORS**



**RECALL ENTIRE  
ICANN BOARD**



**LAUNCH COMMUNITY  
INDEPENDENT REVIEW  
PROCESS OR REQUEST  
FOR RECONSIDERATION**

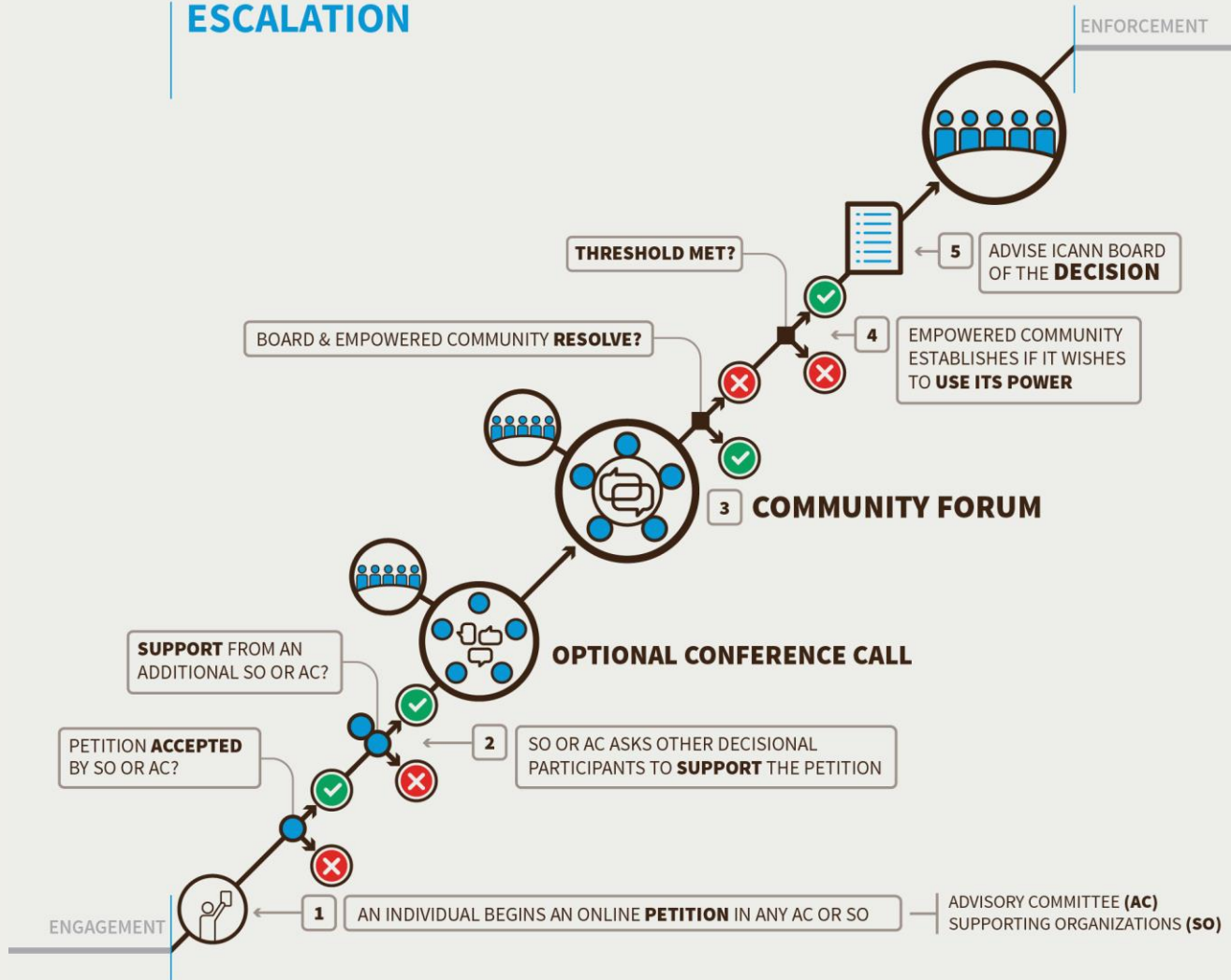


**REJECT ICANN  
BOARD DECISIONS  
RELATING TO IANA  
FUNCTIONS REVIEWS**



# Escalation Path

## ESCALATION



# Required Thresholds for Escalation Processes

Required Community Powers	Should a conference call be held?	Should a Community Forum be convened?	Is there consensus support to exercise a Community Power?
1. Reject a proposed Operating Plan/Strategic Plan/Budget	2 AC/SOs support blocking	3 AC/SOs support blocking	4 support rejection, 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. Reject changes to regular Bylaws	2 AC/SOs support blocking	2 AC/SOs support blocking	3 support rejection, and no more than 1 objection
4a. Remove an individual Board Director appointed by a Supporting Organization or Advisory Committee	Majority within the appointing AC/SO	Majority within appointing AC/SO	Invite and consider comments from all SO/ACs. 3/4 majority within the appointing AC/SO to remove their director
4b. Remove an individual Board Director appointed by the Nominating Committee	2 AC/SOs support	2 AC/SOs support	3 support, and no more than 1 objection.
5. Recall the entire Board of Directors	2 AC/SOs support	3 AC/SOs support	4 support, and no more than 1 objection
6. Initiate a binding Independent Review Process	2 AC/SOs support	2 AC/SOs support	3 support, and no more than 1 objection. Require mediation before IRP begins
7. Reject ICANN Board decisions relating to reviews of IANA functions, including the triggering of Post-Transition IANA separation	2 AC/SOs support	3 AC/SOs support	4 support, and no more than 1 objection