

Proposed Updates to Article 4 for Community Agreement to Restrict Access to Accountability Mechanisms

Section 4.1. PURPOSE

In carrying out its Mission, ICANN shall be accountable to the community for operating in accordance with the Articles of Incorporation and these Bylaws, including the Mission set forth in Article 1 of these Bylaws. This Article 4 creates reconsideration and independent review processes for certain actions as set forth in these Bylaws and procedures for periodic review of ICANN's structure and operations, which are intended to reinforce the various accountability mechanisms otherwise set forth in these Bylaws, including the transparency provisions of Article 3 and the Board and other selection mechanisms set forth throughout these Bylaws.

The ICANN community may recommend that access to the reconsideration and/or the independent review processes (as set forth at Section 4.2 and 4.3, respectively, below) be limited or unavailable for specified actions or under specified circumstances where each of the following conditions exist:

1. A Cross-Community Working Group (CCWG) chartered by at least five of the seven Supporting Organizations and Advisory Committees develops a recommendation that either or both of the accountability mechanisms set forth at Sections 4.2 and 4.3 should not be available in specified circumstances;
2. At least four of the chartering Supporting Organizations and Advisory Committees are Decisional Participants within the Empowered Community as defined within Section 6.1(a) of these Bylaws; and
3. Each of the chartering Supporting Organizations and Advisory Committees to the CCWG approve the recommendation to prohibit access to one or more accountability mechanisms.

If each of the above conditions are met and the Board determines that the CCWG recommendation is in the global public interest, then access to the impacted accountability mechanisms (as set forth at Sections 4.2 or 4.3, or both) shall be limited or unavailable in the manner recommended by the CCWG, without the need to amend the Bylaws.