

Guidelines for GAC participation in the Empowered Community

Summary

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Introduction

The **Empowered Community (EC)**¹ is the mechanism in the ICANN Bylaws through which nine community powers are exercised to make ICANN accountable to the community. The powers allow the EC to: (i) Reject an ICANN or IANA Operating Plan/Strategic Plan/Budget; (ii) Approve a change to Fundamental Bylaws and ICANN's Articles of Incorporation; (iii) Reject changes to Standard Bylaws; (iv) Remove an individual Board Director; (v) Remove the entire Board; (vi) Initiate a binding Review Process or a Request for Reconsideration; (vii) Require the ICANN board to review its rejection of recommendations from reviews relating to PTI ; (viii) Reject Public Technical Identifiers (PTI) Governance Actions and (ix) the rights of inspection and investigation.

The GAC is a **Decisional Participant** in the Empowered Community². This means that it has formal obligations under the Bylaws to receive petitions from other AC/SOs and the possibility to initiate petitions. The GAC may also participate in the conduct of community calls and forums, and support, reject or abstain from escalating an issue and from a collective exercise of one of the powers by the EC.

Before exercising a power, the Empowered Community would normally follow **an escalation process**: an SO/AC can receive a request for a petition (stage 1) and decide to initiate a petition (stage 2); this petition can be supported by other SOs/ACs and trigger a teleconference and a community forum (stages 3, 4 and 5); finally, the Empowered Community can decide to exercise the power and inform the board (stages 6 and 7).

1) General principles for GAC Participation in the Empowered Community

- 1.1) **Flexibility**: the GAC, noting that the Empowered Community (EC) is a relatively new mechanism for the ICANN community, will adopt a flexible

¹ More information on the Empowered Community can be found [here](#). The new Bylaws can be found in full [here](#).

² Marrakech Communiqué 2016: "the GAC expresses its willingness to take part in the envisioned empowered community mechanism as a decisional participant, under conditions to be determined internally".

approach to its role as a Decisional Participant and make changes to these guidelines as necessary in the light of experience, to allow effective and timely involvement of the GAC in the EC.

- 1.2) **Predictability and transparency:** the GAC will aim to be clear and consistent in taking and documenting decisions. The GAC will make information regarding its decision-making procedures for participating in the EC publicly available.

2) Conditions for GAC's involvement in the Empowered Community.

- 2.1) The GAC will participate in the Empowered Community primarily when the matter discussed has public policy implications.
- 2.2) As a matter of principle, the GAC intends to participate in the escalation process and in the exercise of all nine powers of the Empowered Community, where appropriate.
- 2.3) At each step, the GAC will seek to meaningfully engage with the community in good faith with a view to address concerns and de-escalate where appropriate.
- 2.4) The GAC's participation in the escalation process and in exercising the community powers will be decided on a case-by-case basis, following the procedures described in part 3.

3) Procedures for decision-making regarding GAC participation in the Empowered Community.

- A) Stages 1 and 2 of the escalation process: request for the GAC to submit a petition
 - 3.1) As a decisional participant in the Empowered Community, the GAC has the possibility to initiate an escalation process by submitting a petition to the EC.
 - 3.2) Only GAC members and observers are allowed to submit a request for the GAC to initiate a petition.
 - 3.3) The GAC leadership will examine requests to submit a petition and propose a course of action to the GAC.
 - 3.4) The proposed course of action will be subject to discussion through a written procedure conducted on the GAC e-mail list, for at least 3 weeks (21 days).
 - 3.5) If less than two objections are raised by GAC Members, the course of action proposed by the GAC leadership will be considered as adopted.
 - 3.6) If at least two GAC members request on the GAC e-mail list to formally discuss the course of action proposed by the GAC leadership, a teleconference will be organized to further discuss and resolve the issue.

- 3.7) If no acceptable solution is found, the issue will be discussed and decided upon by the GAC plenary during the upcoming ICANN meeting.

B) Stages 3, 4 and 5 of the EC escalation process

- 3.8) As a decisional participant in the Empowered Community, the GAC has formal obligations under the Bylaws to receive and examine petitions initiated by other SO/AC.
- 3.9) The GAC notes that stages 3, 4 and 5 of the escalation process are all similar in purpose, in that they are designed to expose an issue and resolve it without recourse to formal community powers if possible.
- 3.10) Active participation by the GAC in these initial stages is desirable with the view of resolving issues without recourse to community powers.
- 3.11) GAC participation at these stages should allow for some flexibility, given the focus on issue resolution rather than exercise of powers.
- 3.12) If GAC consideration of an issue at any of these stages is required, the GAC leadership group will submit a proposal to the GAC for one of the options available under the Bylaws, that is: (a) support; (b) object; or (c) abstain.
- 3.13) This proposal will be subject to discussion through a written procedure conducted on the GAC e-mail list, for at least a week (7 days).
- 3.14) If three or less than three objections are raised by GAC Members, the proposal formulated by the GAC leadership will be considered as adopted.
- 3.15) If more than three GAC Members request on the GAC e-mail list to formally discuss the GAC leadership proposal, a teleconference will be organized to further discuss and resolve the issue.
- 3.16) If no acceptable solution is found, the GAC will abstain from participating.
- 3.17) If the GAC does not participate at these stages for whatever reason, the GAC may still monitor developments with the assistance of the Secretariat.

C) Stage 6 of the Escalation Process (exercise of a community power).

- 3.18) The GAC notes that an exercise of a community power is significantly different from other stages in the escalation process.
- 3.19) The views of all GAC members will be actively sought by the GAC leadership, using both face-to-face meetings and inter-sessional online communications, to the extent feasible within the timeframes specified in the Bylaws.

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- 3.20) A consensus GAC position will be sought by all GAC members on the basis of a draft proposal prepared by the GAC leadership, which will submit a proposal to the GAC for one of the options available under the Bylaws, that is: (a) Support; (b) Object; or (c) Abstain.
- 3.21) This proposal would normally be subject to discussion through a written procedure conducted on the GAC e-mail list. Any formal objection by a GAC member will trigger a teleconference.
- 3.22) If a consensus GAC position is not possible, the GAC will abstain in the relevant decision-making process involving exercise of a community power.

4) GAC Representative in the Empowered Community Administration

- 4.1) The [EC Administration](#) is the mechanism for communication of decisions of the Empowered Community. It is made up of the representatives of Decisional Participants and has no discretion to act outside decisions of the EC.
- 4.2) The GAC Chair will represent the GAC in the Empowered Community Administration. The vice-chairs will assist the Chair as needed.