

The GNSO Council (the Council) appreciates the opportunity to comment on the Proposed Fundamental Bylaws amendment, which proposes to create a mechanism for limiting or removing access to accountability mechanisms, such as the Request for Reconsideration (RFR) or Independent Review Process (IRP), when certain criteria are met, without the need for further formal Fundamental Bylaws amendments on a case-by-case basis. We anticipate that individual GNSO SGs and Cs will also submit their own, potentially more detailed, comments.

The Council is concerned that a Fundamental Bylaws amendment in this broad form, which goes substantially wider than addressing CCWG-AP Recommendation 7, vests undue power in CCWGs to disallow accountability mechanisms, and creates an alternate path to amending a Fundamental Bylaw without the key community safeguard of requiring Empowered Community affirmative approval. Further, the Council does not believe that such a broad amendment is necessary, bearing in mind that this has been, and should remain, an exceptional event. CCWG-AP Recommendation 7 is the first instance in nearly 8 years where a recommendation has been made to restrict access to the accountability mechanisms. As such, a streamlined process for managing future such recommendations is premature, at best.

For these reasons, the Council does not support any Bylaws change in substantially the form being proposed and likely would be instructed by its constituent SGs and Cs to reject any formal vote, should this be put to the Empowered Community.