

5A) Community Mechanism as a Sole Member Model

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5A.3 ~~The An~~ ICANN Community ~~Assembly Forum~~ (ICA)

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NOTE: ~~This section sets out the proposed ICANN Community Assembly (ICA). The section number is coopted from a section currently called "Governance models and community powers" which just links to an appendix.~~

In developing the **Sole Member Model**, the CCWG-Accountability has been careful to specify that any decisions made by the Member are simply decisions by those SOs and ACs who have votes within it (as set out in section 5A.2 of this report). Those SOs and ACs make their decisions as to how to allocate their votes internally.

Alongside the powers granted to the community through the **Sole Member Model**, the CCWG-Accountability has determined that there needs to be a forum where the use of any of the powers is discussed across the whole ICANN community – before any of the powers are power under consideration is used/exercised. This discussion phase would help the community reach well-considered conclusions about using its new powers, and would ensure that decisions were taken on the basis of shared information as well as what was known within the individual decision-making processes of the SOs and ACs that cast votes in the Community Mechanism.

Importantly, it would also create an opportunity for Advisory Committees that aren't currently participating in the Community Mechanism to offer their insight, advice and recommendations on the proposed exercise of a community power.

A forum of this sort would bring together people from all the SOs and ACs, the ICANN Board and some selected staff representatives. Before a community power was exercised, there would be discussion and debate in this forum. People would have a chance to examine the issue before a decision was made. Decisions made would thereby be better informed, and the community's views more considered, than simply allowing SOs and ACs to make decisions through the Community Mechanism without such conversation.

This sort of forum would have no standing and would make no decisions. It would be open to participation from the full diversity of the ICANN community. It should be open to members of the public – certainly to observe all its proceedings, and probably to participate as well.

Such a forum ~~can~~ could also be the ~~structure~~ basis of a Mutual or Public Accountability Forum, suggested as an annual meeting in conjunction with ICANN's AGM at the third meeting of the year. Such an event would help the various components of the ICANN system hold each other to account, transparently and in public, through which the proposed **Public Accountability Forum** discussed elsewhere in this report can be organized.

The CCWG-Accountability ~~therefore proposes the creation of the~~ **ICANN Community**

Assembly or ICA. It would be a grouping formed under the ICANN bylaws consistent with the matters described below, will pursue the establishment of such a forum in the implementation phase of Work Stream 1. Comments on the general concept are, of course, more than welcome as part of this Public Comment process.

The ICA would have the following purposes:

- a) ~~To be a discussion forum where the whole community, utilizing its existing SO and AC structures, discusses and considers matters before any particular Community Power is exercised.~~
- b) ~~To be the basic structure through which the Public Accountability Forum is organized.~~
- e) ~~((Any other functions set out in this report for the ICA need to be listed.))~~

The ICA would have the following working methods:

- a) ~~The ICA is advisory and discussion based – it has no decision-making rights other than to select a Chair among its members, and to agree matters related to its own operation as a group.~~
- b) ~~In giving effect to its main purpose, the ICA would be convened with one week's notice after a successful petition is made to exercise one of the community powers set out in this report.~~
- e) ~~All proceedings of the ICA will be open to any and all members of the ICANN community and the public, whether conducted electronically or face to face.~~
- d) ~~The ICA is expected to meet face to face at general ICANN meetings, and would otherwise work electronically unless four of the seven participating SOs and ACs called for an out-of-cycle face to face meeting⁴.~~

The ICA would have the following participation:

- a) ~~Each ICANN SO or AC would be asked to nominate between one and seven people to participate in the ICA – this is to ensure that there is at least some presence from each part of the community in the ICA, and some likelihood that its activities and discussions will include a wide range of perspectives.~~
- b) ~~The ICANN Board would be asked to nominate between one and three members to participate in the ICA.~~
- e) ~~The ICANN President and CEO would be invited to participate in meetings of the ICA, along with up to two ICANN staff members selected by the President and CEO, chosen through some open method involving ICANN staff.~~

~~Any ICANN participant or member of the public will be able to subscribe to the email list, or attend virtual sessions of the ICA.~~

- d) ~~If and when new community structures (SOs or ACs) are established and reflected in the ICANN bylaws, they would be incorporated into the ICA.~~

The CCWG-Accountability believes that the establishment of this body will help ensure that the use of the accountability powers set out in this report are done in a way that is of benefit to the

⁴ In such event, ICANN would pay for travel and attendance of up to five representatives of each SO and AC on the same basis as it has supported participation in the CCWG-Accountability.

Comment [DK1]: This is covered below in the "participation" section, but I think it's worth being explicit here that we're relying on ICANN's existing community structures, not creating something brand new from scratch. Keith

Comment [AG2]: I find it EXCEEDINGLY confusing to be using the terms "Public Accountability Forum" plus "ICANN Community Assembly". If we need both (and I don't really see why), the PAF should not have upper case letters as a defined term.

Comment [JTC3]: Good point. My intent was to propose the ICANN Community Assembly as the body that organized a meeting that did what was suggested for the "Public Accountability Forum" but the language doesn't wo (... [1])

Comment [AG4]: Since some petitions require the cooperation of more than a single SO/AC (... [2])

Comment [JTC5]: It would be the logical place. Do we need to spell that out as a working method (... [3])

Comment [AG6]: This is using the term "participation" in ex (... [4])

Comment [JTC7]: How about "composition"?

Comment [AG8]: Are these people selected when there is a petition, or annually. I suggest (... [5])

Comment [AG9]: Do they need to designate which of the seven are the five who could travel?

Comment [JTC10]: Selected annually or at the relevant SO/AC's discretion? And ye (... [6])

Comment [AG11]: See previous comment – "people" in the (... [7])

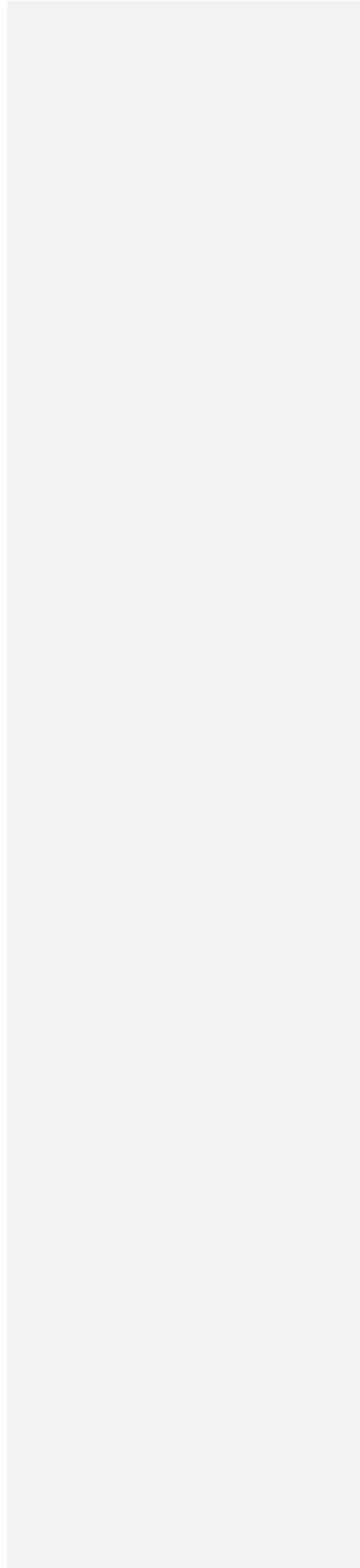
Comment [JTC12]: I meant "between one and three of its members" or "between one (... [8])

Comment [JTC13]: CEO selection fine with me – how (... [9])

Comment [DK14]: I'd expect the CEO to be able to select the ICANN staff he/she wants (... [10])

Comment [DK15]: We should be explicit that this proposed model is sufficiently flexible to (... [11])

~~whole ICANN community, and will help support and sustain cross-community dialogue and discussion not only on accountability matters, but more broadly.~~



Page 2: [1] Comment [JTC3] Jordan Carter 26/07/2015 2:44:00 p.m.

Good point. My **intent** was to propose the ICANN Community Assembly as the body that organized a meeting that did what was suggested for the “Public Accountability Forum” but the language doesn’t work.

Question is – are we happy folding the latter into the ICA?

Seems like common sense to not create an alternative structure.

Page 2: [2] Comment [AG4] AlanGreenberg 25/07/2015 2:47:00 p.m.

Since some petitions require the cooperation of more than a single SO/AC, wouldn’t the ICA be the logical place to raise the issue and solicit that support. If not, we are saying that we must use private communications for that phase, directly the opposite of the intent of the next clause.

Page 2: [3] Comment [JTC5] Jordan Carter 26/07/2015 2:46:00 p.m.

It would be the logical place. Do we need to spell that out as a working method? If so, easy to add another bullet above this one: “The ICA would maintain a mailing list where SOs and ACs could communicate on matters relevant to the ICA’s purpose, including for example seeking support for a petition to exercise a community power.” Or similar.

Page 2: [4] Comment [AG6] AlanGreenberg 25/07/2015 2:49:00 p.m.

This is using the term “participation” in exactly the opposite meaning to that used in the CWG/CCWG.

Page 2: [5] Comment [AG8] AlanGreenberg 25/07/2015 2:52:00 p.m.

Are these people selected when there is a petition, or annually. I suggest the latter, since there will not likely be time for the former.

Page 2: [6] Comment [JTC10] Jordan Carter 26/07/2015 2:47:00 p.m.

Selected annually or at the relevant SO/AC’s discretion? And yes the SO/AC would have to choose who could travel.

Page 2: [7] Comment [AG11] AlanGreenberg 25/07/2015 2:50:00 p.m.

See previous comment – “people” in the previous section, “members” but not “Members” here.

Page 2: [8] Comment [JTC12] Jordan Carter 26/07/2015 2:48:00 p.m.

I meant “between one and three of its members” or “between one and three Board members” – referring to Board members, not referring to people in the ICA as Members of the ICA.

Page 2: [9] Comment [JTC13] Jordan Carter 26/07/2015 2:49:00 p.m.

CEO selection fine with me – how did participation by staff liaison Sam Eisner happen in CCWG?

Page 2: [10] Comment [DK14] Drazek, Keith 25/07/2015 9:00:00 a.m.

I’d expect the CEO to be able to select the ICANN staff he/she wants to include in the proceedings. I don’t think we need to impose an “open method” of selection. The staff reports to the CEO, so it’s reasonable to expect he/she would simply appoint them. No need for complexity here, IMO. Keith

Page 2: [11] Comment [DK15] Drazek, Keith 25/07/2015 9:00:00 a.m.

We should be explicit that this proposed model is sufficiently flexible to accommodate the evolution of the ICANN community and its structures. Keith