WP1 review of comments on the Community Forum

(This review also incorporates discussion points from the WP googledoc, the LA meeting and e-mails on the CCWG lists)

Areas of Consensus

Overall, there is broad support for the Forum and its purpose and function (encouraging discussion and sharing of information prior to exercising community powers and its place in the "petition – discussion – decision" process). There is also broad support for a Forum that is open to participation beyond the ICANN community, and for open and transparent processes and documented discussions.

One commenter suggested that the multistakeholder nature of the Forum should be highlighted as a key element of the community mechanism.

Areas Needing Refinement

While there is broad support for the Forum as noted above, a number of questions (synthesized below) were raised in the public comment, the LA meeting and in e-mail exchanges on the CCWG lists, largely around the need for additional detail:

1. **Triggers**: Commenters asked for clarity as to what the triggers are for initiating a Community Forum.
2. **Permanency**: A number of comments questioned whether the Forum should be permanent or ad hoc. One suggestion from the LA meeting was that it should be standing panel but called "as necessary". Other commenters suggested that the Forum is a process which can be triggered whenever a decision to exercise the community powers is initiated.
3. **Periodicity**: There were suggestions that the Forum could occur alongside the ICANN meetings but commenters also suggested the possible need for ad hoc meetings and that a Forum might, given the complexity of the issues, require a number of different sessions and phases of interaction. A further issue was how issues would be discussed between F2F Forum meetings – for example, would there be virtual meetings? Questions were also raised as to the degree to which SO/ACs could be asked or should be expected to share information with the Forum.
4. **Composition and representation**: The number of representatives and from where was noted, whether they would be chosen from a slate of candidates or selected by the SOs/ACs. Questions were raised as to whether there would term limits, or the use of a NomCom. Additional comments suggested that the Forum should have access to legal

counsel and could be modelled on a CCWG. Another asked if participation by SOs and ACs should be mandatory. Other commenters understand the forum not as an event or a group, but as a process, comprising phases of mutual information, deliberation and successive conversation among the SO/ACs and other interested individuals, with adequate timescales to address the topic at hand and allowing for inclusive participation.

5. **Standing (and outcomes)**: A number of commenters asked whether or not the Forum would have any standing in terms of the discussion/outputs and whether the use of the Forum should be a mandatory part of the community powers process.

6. **Outcomes**: Commenters asked whether there should be Forum "outcomes" and what standing they might have, and whether or not such outcomes would or should be taken into account in the decision to exercise the powers. It was also suggested that a neutral facilitator could summarize information and discussions in an independent report.

7. **Contradictory inputs**: Commenters queried how contradictory or opposing views in the Forum would be accounted for and what the implications of such views might be if the Forum outcomes were to have standing.

8. **Moderation**: Questions were raised over whether or not the Forum discussions would need to be moderated and/or facilitated by a neutral party to ensure that a public record is created, and all views were heard and appropriately noted, and whether the discussions could be "mediated" to find consensus.

9. **Timescales**: There is concern that the timescales within the petition-discussion-decision process in the proposal may be too short. In the case of the Forum there is concern that there would not be sufficient time to allow for the fullest of discussion given the importance of the powers. Some commenters stressed the need for adequate timescales that would ensure the full participation of interested SO/AC and individuals.

10. **Costs**: A number of commentators queried whether the Forum would need funding – and what size of representation would be reasonably funded by ICANN. Others suggested that the issue of representation would be less relevant if the forum is understood as a process.

11. **Relationship to SMCM decision-making**: As alluded to above, there were questions about how the Forum relates to or impacts/contributes to SMCM decision-making. No particular suggestions were made as to how to integrate it (or not). Irrespective of the decision-making system, the Forum was considered by some as key in order to lay a foundation of shared information and to being able to discuss the issues openly and transparently.

12. **Relationship to Public Accountability Forum**: questions raised related to whether or not the Forum would also be the PAF or what the relationship would between the two.

   (We note that some of the questions/points raised above are answered/addressed when looking at both sections 6.3 (on the Community Forum itself) and 7.0 (on the petition-discussion-decision process) of the CCWG proposal)

Areas of Divergence

The only issue that generated some divergence of views was whether the Forum should result in outcomes or not – and what the consequences of such outcomes might be on the decision-taking part of the process. However, the WP believes that this issue does not

necessitate further deliberation given the overall support for the Community Forum as a place for discussion and information sharing,

Options for CCWG Consideration

Given the overall support for the Community Forum and its role as outlined in the CCWG proposal, the WP does not believe that there are options that require further consideration by the CCWG.

However, while the proposal notes that work on establishing the Community Forum will occur during the implementation phase of WS1, there remain, as identified above, areas for further refinement that might warrant being addressed prior the finalization of the proposal. These could include but are not limited to how the Community Forum is formed once triggered, the composition of the Community Forum, whether there would need to be moderation, and what timescales are appropriate for the discussion of the various powers.