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| **Description** | Name of Mechanism | Independent Review Panel |
| Description | A standing body tasked with enforcing commitments made in By-laws/Articles of Incorporation/Statement of Mission & Core Values (draft to be reviewed in Istanbul) regarding proper decision-making processes and permissible scope of corporate action |
| Category (check & balance, review, redress) | Review  [Possibly falls also into redress and check & balance categories, insofar as (a) the IRP would be empowered to overturn Board action, giving redress to a claimant, and (b) the overall purpose is to serve as a check on Board power] |
| Is the mechanism triggered or non-triggered? | Triggered (by filing of a complaint by aggrieved party) [alleging action or inaction that is not within ICANN’s Mission or that is undertaken in manner that violates Core Values] |
| Possible outcomes (approval, re-do, amendment of decision, etc.) | Approval of Board/management/staff action or an order rescinding Board/management/staff action [There is apparent consensus that the outcome must be “binding” on ICANN. Additional input needed from independent counsel regarding the manner in which/extent to which this is possible.] |
| **Standing** | Conditions of standing (ie « last resort », type of decision being challenged,) | Proceedings before the IRP would be “last resort” in that no appeals process will be provided; [possible provision for Board to refuse to enforce an order to rescind a prior action upon super-majority or unanimous vote]; [note also that this mechanism may be used for additional purposes, perhaps using different but specific standards. E.g., IANA “appeals panel” etc.] |
| Who has standing (directly or indirectly affected party, thresholds…) | Any person/entity “materially affected” by Board/management/staff action. [Need to consider how material affect on community generally would be measured, as affect could be indirect, non-financial, social, etc.] |
| **Standard of review** | Which standards is the decision examined against (process, principles, other standards…) | Challenging party has burden to demonstrate that Board/management/staff action violates either (a) decision-making procedures or (b) substantive limitations on the permissible scope of ICANN’s actions, set forth in ICANN’s By-laws, Articles of Incorporation, or Statement of Mission and Core Values (to be discussed in Istanbul) |
| Which purpose(s) of accountability does the mechanism contribute to? | Enforcing compliance with stated procedures, due process and Core Values; avoiding ICANN “mission creep” into areas not involving DNS security, stability, or reliability |
| **Composition** | Required skillset | Legal plus expertise in regard to DNS/IANA technical matters [to what extent is technical expertise required? General knowledge of how DNS works, or something more?] |
| Diversity requirements (geography, stakeholder interests, gender, other…) | Geographic diversity [how defined? will this involve mandatory requirements, e.g. no more than X members from any one Region? Alternatively, no less than 1 member from each region?] [Other diversity, e.g., gender?] |
| Number of persons (approximate or interval) | 5 or 7 |
| Independence requirements | Members must be independent of ICANN [including participation/position within specified segments of the community? If so, which community segments, if any, are okay?]; Members should be compensated (at a rate that cannot decline during their fixed term]; no removal except for specified cause (corruption, misuse of position for personal use, etc.) [Who decides whether that has occurred? Will Board have a role?].  Term limits and prohibition on post-term appointment to Board, Nomcom, other positions within ICANN. |
| Election / appointment by whom? | Members to be nominated by the Board in consultation with the CEO, approved [how?] by community; [possible alternatives involving a reversal of the above (i.e. community nomination and Board approval)] [Also consider external vetting or rating schemes for nominees, i.e., third party organization such as ICDR could appoint/nominate subject to confirmation.] |
| Recall or other accountability mechanism | Any appointments would need to be made for a fixed term with no removal except for specified cause (corruption, misuse of position for personal use, etc.).  Process for recall/removal needs to be defined. Perhaps WP1 work will be relevant here. |
| **Decision making** | Is the decision mandated or based on personal assessment | Based on each IRP panellist’s assessment of the merits of the claimant’s case |
| Decision made by consensus or vote? | Vote  [Though this may fall into the category of procedures that the IRP itself should be empowered to set] |
| Majority threshold (if applicable) | None |
| **Accessibility** | Cost requirements | ICANN to bear administrative costs of maintaining the system (including Panellist salaries); Panel to determine filing fees for claimants; [provision for “loser pays” fee-shifting? Only in the case of a “frivolous” challenge or defense?] |
| Timeframe requirements | Panel should complete work expeditiously [3 month/6 month decision requirement?] Provision for complex cases, such as monthly reports? |
| Language requirements | English as primary working language with provision of translation services? |
| **Implementation** | Potential means to implement | Requires coordination with By-Laws [or Articles of Incorporation?] change [to specify scope and decision-making procedures more precisely], and revision of Article IV (regarding IRP process) to reflect mechanism and Statement of Mission and Core Values. [via contract for contracted parties and other contractual documents, e.g., new gTLD application agreement?] |