

ACCOUNTABILITY MECHANISMS

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?]

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CCWG Accountability

Template

		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?]