Answers to questions:

1.a) How important is it for the accountability mechanisms to be binding (enforceable in court if necessary) versus reliant on voluntary compliance as in the current system?

Enforceability of the accountability mechanisms is one of the most important concerns raised by the community. Whether this enforceability is voluntary compliance or reliant on external intervention, such as a court or independent body, is less relevant to the extent that mechanisms are, in fact, enforceable by any means.

1.b) Would a non-judicial yet binding enforcement mechanism be a good option, perhaps after exhaustion of the existing mechanisms?

Yes.

2) There is still an ongoing discussion on this matter in order to better understand the differences between both models. However, there is the sense that the community would need to have certain powers reserved to effectively address some accountability concerns that have been raised.

3.a) Assuming that there is some need for a power to overrule the Board with respect to certain decisions (for example, rejection of or a failure to take action on IRP recommendations), over which decisions does the community need to be able to bind or overrule the Board?

Those decisions would ideally be:

a) Change in mission

b) Acting according to bylaws

c) Changing bylaws

d) Budget and strategic plan approval

3.b) Should this power to bind the Board go as far as being able to enforce the community preference in court, or will reliance on the Board’s voluntary compliance with an arbitral ruling suffice?

This power should go as far as being able to enforce the community preference in court.

4) If, using a membership model, members could have the power to bind the Board on budgets or strategic plans, but under a designator model, designators could only force the Board to reconsider its budget or strategic plan (subject to designators’ coercive power to remove the Board, but without being able to force their will on the Board), which is preferable?

Under this consideration, keeping in mind there’s still an ongoing discussion, a membership model would be preferable.

5) We have heard many comments expressing concern over lawsuits by or against designators and members if they are established as unincorporated associations with separate legal personhood from ICANN. We would like to understand better this concern, as we don't see these associations as fundamentally changing the exposure or risk of litigation. On the contrary, the proper use of an unincorporated association provides further protection against an individual participant being sued.