**Draft letter to David Olive/ SO&AC Community Leaders [ ] July 2020**

Dear David and SO & AC Chairs

**Next Steps in Assisting Community Work — Selection Process for Bylaws IRP Standing Panel**

I write to you on behalf of the IRP implementation Oversight Team (IRP-IOT), regarding the Bylaws-mandated selection process for the IRP Standing Panel. We are aware that David recently sought input from community leaders as to how role of the community to identify the slate of panelists will be exercised, and how best David and his team could assist. We also understand that one of the suggestions for consideration was whether this community role could be exercised by leveraging an existing group, such as the IRP-IOT.

Under the ICANN Bylaws (s4.3(j)(ii)) ICANN, in consultation with the SOs and ACs, should initiate a four-step process to establish the Standing Panel. As part of this process, applications from well-qualified candidates should be solicited (an exercise which is currently underway), and it is the role of the SOs and ACs to nominate a slate of proposed panel members from these candidates (s4.3(j)(ii)(C)), who will then be appointed by the Board.

The establishment of an IRP-IOT is also specified in the Bylaws, which assign to the group a number of responsibilities, including in particular the development of supplementary rules of procedure for the IRP and rules for the cooperative engagement process (CEP).

The interviewing and selection of a proposed final slate of panellists to comprise the Standing Panel is not a task which is allocated to the IRP-IOT under the Bylaws. Whilst all members of the IRP-IOT are committed to the development of a strong and effective IRP, we do not believe that, as a group, we are necessarily the best placed to take on the task of identifying the slate of panellists:

* When the IRP-IOT was recently reconstituted, Leon Sanchez, on behalf of the BAMC, put out a call for suitably qualified volunteers[[1]](#footnote-1) in order that the group, collectively, would have the experience needed to finalize a set of procedures to conduct IRP proceedings. Applicants to participate in the IRP-IOT therefore applied on this basis and understand this to be our highest priority task.
* Not all SOs and ACs have members participating in the IRP-IOT.
* Whilst a number of IRP-IOT members have been involved in the selection of panellists, whether for IRP or other arbitration procedures, the review of applications and interviewing of candidates, possibly working with external experts (as suggested by the community feedback[[2]](#footnote-2)) seems more akin to an HR recruitment role.

The IOT does, however, stand ready to provide whatever support we can to assist you in this process. We would also like to provide the following suggestions which we hope may be of assistance:

* Feedback from the community showed strong support for the appointment by the SOs and ACs of a small committee to take on this responsibility.
* Whilst this may not be a role for the IOT, individual members of the IOT may be well-qualified (including familiarity with Bylaws s4.3) and interested to participate as volunteers in this exercise.
* This is a specialist process. ICANN already has a longstanding cross-community group, in the form of the NomCom, which has developed robust processes for working with external exerts, screening and interviewing of candidates, and maintaining the privacy and confidentiality of applicants. We do not suggest that this process be delegated to the NomCom, but do suggest that the existing procedures of the NomCom be leveraged by any group appointed to identify the slate of panelists.
* Feedback from the community expressed strong support for the use of external expertise. The experts who work with the NomCom might be well-placed to assist, and have the benefit of already being familiar with ICANN. The expertise of the existing IRP provider may also be beneficial.

Please do let us know if this group can assist further.

Yours sincerely

Susan Payne

IRP-IOT Chair

1. <https://community.icann.org/display/IRPIOTI/Independent+Review+Process+-+Implementation+Oversight+Team+%28IRP-IOT%29+Home?preview=/96211302/111390805/2019-06-26LeonSancheztoSOAC-Leaders-Repopulating-IOT-0001.pdf> [↑](#footnote-ref-1)
2. <https://community.icann.org/display/ESPFIRP/Relevant+Documents?preview=/95095469/126431359/CommunityFeedbackEstablishingStandingPanel_31March2020.pdf> [↑](#footnote-ref-2)