

**Subject:** [ccnso-council] Accountability and community input on IRP standing panel  
**Date:** Friday, April 12, 2019 at 3:54:44 AM Eastern Daylight Time  
**From:** Ccnso-council on behalf of Katrina Sataki  
**To:** Goran Marby  
**CC:** ccnso-council@icann.org, 'Nigel Roberts', so-ac-sg-cleaders@icann.org  
**Attachments:** ATT00001.txt

Dear Göran:

In your blog post of 9 March 2019, you invited community inputs on the process for the selection of a standing panel to hear Independent Review Process (IRP) complaints. You included a series of questions, with a deadline for responses by 15 April 2019:

- Qualifications for Standing Panelists: Are there specific qualifications that should be included? If so, what are they? Anything disqualifying? Should the SOs and ACs recommend qualifications? And if so, how?
- Identifying a Slate of Well-Qualified Panelists: We've heard concerns from some members of the ICANN community as to whether the broader community has the appropriate experience and skill for this selection work, and have suggested the possibility that ICANN instead contract with experts to perform this vetting process. Should the community rely on expertise to help vet and recommend a final slate for the standing panel?
- Board Approval of Panel Slate – Further Questions: After there is a slate of well-qualified applicants, the Board must confirm the panel. If the Board has questions that might impact its confirmation, to whom should those questions be addressed? If experts are used to develop the slate, should the experts, the SOs and ACs, or some combination thereof be part of that conversation?
- Future Selections: Should the process being designed today be reviewed for effectiveness after the first slating is completed, prior to making it standard operating procedure for future selection rounds?

The IRP, as you correctly stated, is an accountability mechanism arising from the ICANN Bylaws. ICANN Board and staff decisions may be reviewed for breaches of ICANN's own policies, core values or because decisions have been made on the basis of incorrect information.

Matters of high importance that fall within scope include disputes involving the rights of the Empowered Community, enforcement of ICANN's contractual rights with respect to the IANA Naming Function Contract, and claims regarding PTI service complaints by direct customers of the IANA naming functions (that are not resolved through mediation). The appointment of appropriately qualified and independent panellists who will be making these review decision is therefore a high concern to us.

Taking into account that:

- 1) the blog post was published right before ICANN64, when most volunteers are travelling or busy preparing for the meeting,
- 2) no corresponding public comments request has been published on the ICANN website,
- 3) no information about the request was published in ICANN Community Leadership Digest (the questions were first mentioned only on 11 April),

and to ensure that:

- 1) all community members are aware of the opportunity to provide input,
- 2) everyone has sufficient time to discuss the issue and submit their considerations,
- 3) the process is transparent and all comments are published in due time,

we would like to encourage you to re-launch the call for community inputs in accordance with the established procedures.

Furthermore, we request that only one process for seeking community feedback, i.e. ICANN public comments procedure, is used in the future. While a blog post may remain to be a good tool for reminders, and senior staff commentary may encourage engagement and participation, they are no substitute for due process.

Yours sincerely,

Katrina Sataki  
On behalf of the ccNSO Council