**Independent Review Process Standing Panel: Summary of Comments Received from Supporting Organizations and Advisory Committees regarding Next Steps in Community Work on IRP Standing Panel Selection Process**

**Background & Analysis of Comments**

One of the features of the updated Independent Review Process (IRP) under the new Bylaws is the establishment of a standing panel from which panelists shall be selected to preside over each IRP dispute.  The Bylaws specify that “ICANN shall, in consultation with the Supporting Organizations [SOs] and Advisory Committees [ACs], initiate a four-step process to establish the Standing Panel…” (Bylaws, Art. 4, Sec. 4.3(j).)  The SOs and ACs must collectively agree on a single proposed standing panel slate to be submitted to the ICANN Board for approval as part of the four-step process.  There was strong support from several community groups that this work can be accomplished through a small representational group of SO and ACs members. (*See* [https://community.icann.org/display/ESPFIRP/Relevant+Documents?preview=/95095469/126431359/CommunityFeedbackEstablishingStandingPanel\_31March2020.pdf](https://community.icann.org/display/ESPFIRP/Relevant%2BDocuments?preview=/95095469/126431359/CommunityFeedbackEstablishingStandingPanel_31March2020.pdf).) ICANN org recently consulted the SO/AC leadership on the composition of the representative group and suggested leveraging the composition of the existing of IRP-IOT as one way to move forward. The following is a summary and analysis of the feedback received from the SO/AC leadership on this issue.

ALAC

The ALAC does not support leveraging the existence of the IRP-IOT for the following reasons: (1) the IRP-IOT was not constituted to represent the SOs and ACs, rather it was constituted by the Board; (2) it appears from the Statements of Interest of the IRP-IOT members that the group heavily favors particular constituencies; and (3) the IRP-IOT is likely to be fully occupied with its current scope of work. The ALAC supports constituting a new group to address standing panel selection. The ALAC notes that such a group should be populated with formally appointed representatives from the SO/ACs that wish to participate. The ALAC suggests that each SO/AC have no more than two seats on this group. The ALAC further suggests appointed members must have a strong understanding of the IRP and the role of the standing panel. However, it is not necessary for appointed members to possess the skills or contacts to populate the panel.

The ALAC also suggests that the process used for the community involvement in identifying an initial slate for the standing panel should then be evaluated for inclusion in the future procedures to repopulate/make further slate recommendations for the standing panel.

ccNSO

The ccNSO Council supports the proposal to leverage the existence of the IRP-IOT, rather than convene a totally new community group, provided that the scope of work be re-defined to include standing panel selection, that the current IRP-IOT members be given the opportunity to leave or continue only with the current tasks, and that new members (with a new job description) be invited to join the group.

GAC

The GAC leadership expressed support for the feedback provided by the ccNSO Council, the GNSO Council Chair, and the ALAC.

GNSO

The GNSO Council Chair, in his individual capacity, objected to leveraging the existence of the IRP-IOT to perform the community work on standing panel selection, due to concerns for current workload of the IRP-IOT. Additionally, there were concerns expressed that the current composition of the IRP-IOT is not representative of the SO and ACs. The Chair noted that while the IRP-IOT is comprised of members with the legal and policy background relevant to establishing rules for IRPs, a standing panel committee will need to have human resource skills such as the ability to work with external experts and to participate in interview processes. The Chair supported leveraging the IRP-IOT as a check point on the standing panel establishment work as needed.

SSAC

The SSAC, which previously supported the use of outside expertise instead of direct community involvement in the panel slating recommendation, acknowledges that its view is not shared by the majority of the SOs and ACs. As direct community involvement was favored, and should the process involve direct community involvement, then the SSAC confirms that it should have a representative involved in that work. The SSAC further acknowledges that the proposal to leverage the existence of the IRP-IOT has merit. However, the SSAC expressed concerns that the current composition of the IRP-IOT is not fully representative of the entire community, and supports that further discussion among the SO/ACs regarding this proposal.

**Next Steps**

Based on the inputs received, the following is a summary of positions and potential considerations to develop next steps:

1. The IRP-IOT membership is not representative enough of ICANN’s SO/ACs to alone comprise the group that would serve as the representative group that would coordinate the community’s inputs into the standing panel selection process.
2. The IRP-IOT as a group has a significant amount of work already on its plate, and not all members might be interested in taking on a new set of responsibilities (either as assigned to the IOT or to a different group) that would be needed to support the standing panel selection work.
3. ICANN org does not recommend altering the purpose of the IRP-IOT beyond the Bylaws’ mandate nor using the Board selection process to broaden the IRP-IOT for the purpose of making it more representational to support panel selection. That would take more time than individual SO/AC selection processes and could raise questions of Board involvement in the community portion of the process. In addition, as some inputs noted, there could be conflict of interest concerns among some of the IRP-IOT members as it relates to the panel selection process. The above concerns notwithstanding, if any of the current members of the IRP-IOT are interested in supporting the community’s role in panel selection and have the time to devote to the work, they could be a good fit for that work.
4. The representative group does not need to be comprised solely of people who understand the IRP and arbitration; experience in management of vendors or human resources/interview processes could also be of value.
5. Creating a lightweight process to convene a separate, representational group might allow for easier replication in future panel selection rounds.