ATRT3 – Requirement F - Assessing and improving the Independent Review Process (IRP)

The CCWG-Accountability Work Stream 1 (WS1) recommendation 7 made significant changes to ICANN's IRP process but could not complete the implementation of these prior to the completion of WS1. This WS1 recommendation was included in the ICANN Bylaws under Section 4.3(n)(i) and required the creation of an IRP Implementation Oversight Team (IOT - a CCWG) to undertake this work:

> *WS1 – Recommendation 7 - Implementation*
>
> *The CCWG-Accountability proposes that the revised IRP provisions be adopted as Fundamental Bylaws. Implementation of these enhancements will necessarily require additional detailed work. Detailed rules for the implementation of the IRP (such as rules of procedure) are to be created by the ICANN community through a CCWG (assisted by counsel, appropriate experts, and the Standing Panel when confirmed), and approved by the Board, such approval not to be unreasonably withheld. The functional processes by which the Empowered Community will act, such as through a council of the chairs of the ACs and SOs, should also be developed. These processes may be updated in the light of further experience by the same process, if required. In addition, to ensure that the IRP functions as intended, the CCWG-Accountability proposes to subject the IRP to periodic community review.*

Following this he IRP Implementation Oversight Team (IOT) was created in May 2016 with the assistance of the CCWG-Accountability. The objectives of the IRP-IOT were:

- Complete recommendations to update the supplementary rules of procedure;
- Develop rules for Cooperative Engagement Process (CEP);
- Address standards and rules governing appeals;
- Consider panelist term limits and additional independence considerations.

The IRP-IOT delivered an Updated Draft Interim ICDR Supplementary Procedures to ICANN on 25 September 2018. As indicated in the title these are interim rules which did not include the revisions to Time to file considerations and the Types of hearings.

Given the limited participation of IRP-IOT members since ICANN 63 in October 2018 there has been little progress since then. To address this issue Leon Sanchez, Chair of the ICANN Board Accountability Mechanisms Committee (BAMC), wrote to the leadership of the SO/AC's on 26 June 2019 requesting additional volunteers join the IRP-IOT to allow it to carry on with its work (https://mm.icann.org/pipermail/iot/attachments/20190627/65c1a116/2019-06-26LeonSancheztoSOAC-Leaders-Repopulating-IOT-0001.pdf).

In this context the ATRT3 concluded that it should not review the IRP as required in the ICANN bylaws given the IRP has recently undergone significant changes and further changes will be forthcoming once new members have been added to the IRP-IOT.