DISCUSSION DRAFT

version 2.0

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This discussion draft is intended to assist in the development of an agreement between ICANN and the Regional Internet Registries (RIRs) concerning their mutual interests, their respective roles and responsibilities for the administration of Internet number resources, and the criteria for an operational relationship that enables all parties to successfully carry out their responsibilities. It does not replace either of the existing "relationship" documents (see [1] and [2]), but anticipates their replacement by revised documents that are aligned with the agreements that emerge from this discussion and are captured here.

As a draft for discussion, this document does not in any sense represent a "position" of ICANN or its Evolution and Reform Committee (ERC). It draws on a number of other documents that have been produced by the ERC and the RIRs since the ICANN reform process began last February (see [3] through [12]), and on informal discussions that have already taken place in face-to-face meetings and through email exchanges. Regardless of institutional roles, the common goal must be to reach an agreement that ensures the operational well-being of the Internet.

1. Address Policy Development

We start from the proposition that the development of address policies should take place as close as possible to the entities that will implement or be affected by those policies; as noted in the RIR Blueprint [10], "It has been the RIRs' experience that anything [else] will doom to failure any attempt at self-regulation." This principle is also reflected in one of ICANN's core values:

> "3. To the extent feasible and appropriate, delegating coordination functions to or recognizing the policy role of other responsible entities that reflect the interests of affected parties." [11]

Clearly, the RIRs are the parties directly responsible for the development and implementation of addressing policies, both regional and global (commonly applied across regions). For global or common policies, there must be a facilitating device to both create (or adopt) those policies and to oversee their appropriate implementation. Today that device is the Address Supporting Organisation (ASO), and more particularly the Address Council, which are established by the ICANN Bylaws. This leads to the conclusion that

a) address policy development is the responsibility of the RIRs, acting with respect to global or common policies through the ASO/Address Council;

b) the role of the ICANN Board in the address policy development process is limited to the final step of adoption of a global or common policy after it has been developed and approved by the RIRs and the ASO/Address Council; and

c) no RIR can be required to adopt or adhere to a global address policy to which the RIRs have not collectively agreed (i.e., no top-down imposition of policies developed elsewhere).

The existing MoU between ICANN and the RIRs concerning the ASO [1] provides that the Address Council, in reviewing a proposal for new global policies or a proposed modification to existing policies, will solicit the opinions of the RIRs, and that any such proposal must have the support of at least two-thirds of the members of the Address Council to be forwarded to the ICANN Board "for its consideration." The MoU is silent as to the responsibilities and authority of the ICANN Board at that point. The draft ICANN/RIR Relationship Agreements of April 2002 [2] simply "reaffirm" support for the MoU. The RIR Blueprint [10] states that the Address Council will have the responsibility to "ratify" what the Blueprint refers to as "coordinated" policies, but is silent on how that coordination function should take place, or what happens if the coordination process fails to achieve a consensus of all of the RIRs.

There are three obvious general circumstances in which there may be a need for coordination or oversight of the global or common policy development process by some entity other than the RIRs. The first is when the RIRs desire but cannot reach consensus; the second is when other portions of the community not fully or appropriately represented in the RIR policy development process, and with legitimate interests in those policies, have reasonable objections to proposed global or common policies; and the third is when a substantial portion of the community believes that a global policy is necessary, but the RIRs either will not or cannot produce an appropriate policy. In these circumstances, and presumably only in these (extraordinary and rare) circumstances, the ICANN Board has a responsibility to seek resolution.

One way to accomplish this result might be to set forth, in the ICANN New Bylaws and/or in the ASO MoU and individual RIR agreements with ICANN, a process something like the following:

1) A global or common policy is adopted by the Address Council by consensus (following procedures for policy development, and for the recognition of consensus, established by the RIRs acting collectively through the ASO).

2) The policy is forwarded to the ICANN Board, which may ask questions and otherwise consult with the Address Council and/or the RIRs, if necessary to fully understand it, and may also consult with other parties as appropriate.

3) After a period of no more than 30 days, the ICANN Board must adopt the policy, unless (a) the RIRs and the Address Council agree, during the consultation period (step 2), that changes to the policy should be made, in which

case the process returns to step 1; or (b) a super-majority (2/3) of the Board votes to reject it.

4) If the ICANN Board adopts the policy, it becomes a global address policy.

5) If the ICANN Board rejects the policy, it must deliver to the Address Council a statement of the concerns it has with adopting the policy as proposed, including in particular an explanation of the significant viewpoints that were not adequately considered during the regular RIR/ASO process.

6) The Address Council, in conjunction with the RIRs through agreed procedures, considers the concerns raised by the Board, and engages in a dialogue as appropriate with the Board, following which, pursuant to a new consensus, it forwards a new recommendation (either reaffirming its previous proposal or a modified proposal) to the ICANN Board.

7) The new consensus proposal then becomes a global address policy unless, by a super-majority (2/3) vote, the ICANN Board rejects the new proposal, in which case it does not become a global addressing policy, and the RIRs are free to take whatever regionally applicable decisions they consider to be appropriate.

The ICANN Board would also have the right to request that the Address Council initiate a policy development process through the RIRs, applying the above procedure. Any such request must include an explanation of the significant viewpoints that call for policy development. (Note: This provision, and the similar provision in step 5 of the procedure described above, are intended to ensure that the ICANN Board acts in these circumstances only with substantial, credible, and defensible support from the community.)

Other processes might also be devised to reach the desired results, and the discussion should consider alternatives that may be proposed.

2. Management of Unallocated IP Address Space

We start from the propositions that the IANA may allocate IPv4 and IPv6 address blocks **only** to the RIRs; that properly submitted and qualified allocation requests must be satisfied in a timely manner; and that the criteria for determining whether or not an allocation request is "qualified" must be specified by an Internet number resource management policy that has been developed and adopted in accordance with the bottom-up policy-development process of the RIRs and the ASO. (Of course, some procedure must be in place to designate numbering resources for common purposes as required by the IETF through RFCs; Annex 2 of the Draft ICANN-RIR Relationship Agreement of April 2002 [2] describes one way in which this could be accomplished.)

The procedures described in Section 4.3 of the RIR Blueprint [10] could be adapted to satisfy these criteria through a process something like the following:

1) Upon receipt of a request for a number-block allocation from an RIR, the IANA must satisfy the request and make the requested allocation within 7 days if the request is clearly consistent with existing agreed policy (the “Internet number resource management policy” referred to above). If the request clearly violates existing agreed policy, the IANA must reject it.

2) If there is any doubt about the conformance of the allocation request to existing agreed policy, the IANA forwards (within 7 days) the request to all of the other RIRs for peer review.

3) Each RIR conducts a peer review, following its own procedures, to determine whether or not the allocation request conforms to existing number resource management policy, and that the process associated with the policy has been properly followed. Reviewing RIRs forward their peer review outcomes to all other RIRs and to the Address Council within 21 days.

4) If the Address Council determines that the consensus conclusion of the peer review is that the request is appropriate, the allocation is made by the IANA.

5) If no consensus is reached, the allocation is not made.

6) Upon making an allocation, the IANA records in the IANA Registry the date of the allocation, the RIR to which the allocation is made, and the application made by the requesting RIR.

7) If the application requires the addition of an inverse number delegation, the inverse number delegation registry is modified to reflect this allocation, and the master IANA DNS zone file is modified to delegate the applicable DNS zone to the RIR.

8) The IANA publishes the contents of the registry using a standard data format. The registry publication should allow online retrieval via generally accepted protocols, and should be updated to reflect current registry allocations.

As for policy development (above), other processes might also be devised to reach the desired results, and the discussion should consider alternatives that may be proposed. In particular, the process described above may not apply to some allocations from the IPv6 address space, such as the designation of a significant portion of that space as a pool to a common registry (as proposed by the RIRs in RIPE-261 [12]).

3. References

[1] Memorandum of Understanding for the ICANN Address Supporting Organization
18 October 1999 (Amended October 2000)
http://www.aso.icann.org/docs/aso-mou.html

[2] Draft ICANN-RIR Relationship Agreement
9 April 2002

http://www.icann.org/general/draft-icann-rir-agreement-09apr02.htm

[3] ICANN: A Blueprint for Reform
20 June 2002
http://www.icann.org/committees/evol-reform/blueprint-20jun02.htm

[4] Joint RIR Statement
20 Jun 2002
http://forum.icann.org/reform-comments/general/msg00130.html

[5] First Interim Implementation Report
1 August 2002
http://www.icann.org/committees/evol-reform/first-implementation-report-01aug02.htm

[6] Second Interim Implementation Report
2 September 2002
http://www.icann.org/committees/evol-reform/second-implementation-report-02sep02.htm

[7] Update Regarding RIR Submissions
16 September 2002
http://www.icann.org/committees/evol-reform/update-16sep02.htm

[8] RIR Response to Evolution and Reform Committee
26 Sep 2002
http://forum.icann.org/reform-comments/implementation/msg00020.html

[9] Final Implementation Report and Recommendations
2 October 2002
http://www.icann.org/committees/evol-reform/final-implementation-report-02oct02.htm

[10] RIR Blueprint for Evolution and Reform of Internet Address Management
9 October 2002
http://www.ripe.net/ripencc/about/regional/nrr-blueprint-20021009.html
http://www.apnic.net/community/icann/docs/blueprint/nrr-blueprint-20021010.html
http://www.arin.net/nrr-blueprint

[11] Appendix A to Minutes of Board Meeting, 31 October 2002: New Bylaws
http://www.icann.org/minutes/minutes-appa-31oct02.htm

[12] IPv6 Address Space Management (RIPE-261)
31 October 2002
<http://www.ripe.net/ripe/docs/ipv6-sparse.html>