5 December 2024

Subject: ISPCP comments on proposed Internet Coordination Policy 2 (ICP-2) Version 2 Principles

The Internet Service Providers and Connectivity Providers Constituency thanks the ASO for the opportunity to comment on the proposed update to Internet Coordination Policy 2 (ICP-2) Principles and offers the following comments.

The Consistency also understands that these principles are intended to be generic. Without the details of the extensive work that lead to these draft principles as they are presented to the community, the Constituency offers these comments in good faith, mindful that the question raised might have been considered, and it is not the intention of the Constituency to reopen these discussions if the ASO considers that consensus has been reached on the matter at hand.

These comments will be posted on behalf of the ISPCP on ICANN's Public Comments webpage.

General comments:

1) To this day, the RIRs engagement with ICANN has been limited to a narrow set of questions where global coordination is essential and much was left to for bottom-up coordination within the Region and between the RIRs themselves, with limited top-down authority. The revised policy would appear to flip the chain of authority upside down with the critical decision of recognition and derecognition made by the NRO, thereby turning the informal RIR CEO coordination into a potentially more formal decision-making body.

Mindful that the revised policy results from a need for a more robust and formal process made even more acute by the situation of AFRINIC, the ISPCP acknowledges that defining criteria for recognising a RIR without such a global governing function may not be achievable. However, much will depend on the future conditions to be met by a 'recognisable RIR', and we are of the view that these conditions should be kept to a bare minimum and not overly affect existing RIRs. In addition, if such an authority were bestowed, it cannot go without its guardrails and appropriate accounting mechanisms.

2) There seems to be three distinct sets of principles laid out in the updated policy:

- o The criteria that a candidate RIR would have to meet to be recognised: 6, 7, 8, 9, 10
- o General principles that apply to all RIRs and not only the candidate RIR: 3, 4, 5, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22
- o the procedure that is used between all existing RIRs for a recognition: 1, 2, 23, 24

In this respect, the condition that a candidate RIR has to meet all principles including this third category may not seem quite right. For example, what does it mean for a candidate RIR to be compliant with 1, 2 or 23?

3) We are aware of an IETF pre-WG activity (https://datatracker.ietf.org/group/deepspace/about/) that contemplates IP prefix allocation for non-terrestrial networks, and implicitly discusses which RIR might be responsible for this. We would assume ICP2 to be applicable in context, but the question is worthwhile considering in the next steps of the review of ICP2.

4) It would be interesting to "stress test" the revised ICP2 with several scenarios (including 3) or lessons learnt from what happened – or what could have happened – with AFRINIC possibly)

Proposed Internet Coordination Policy 2 (ICP-2) Version 2 Principles

Instructions

Please review the Proposed ICP-2 (v2) Principles document and indicate by answering the questions below whether you agree with each proposed principle.

Section 1: Governance

1) Do you agree with the Authority principle as set forth in the Proposed ICP-2 (v2) Principles document?

Authority: *Any proposal to recognize a Candidate RIR or to derecognize an RIR must originate from the NRO EC after a majority vote in favor of the proposal. ICANN shall have final authority to decide whether to adopt the proposal, subject to ICP-2, provided that ICANN has first consulted with and given substantial consideration to the input of each RIR.*

(_) Strongly Agree

(X) Agree

(_) Neutral

(_) Disagree

(_) Strongly Disagree

 Please share any additional comments you have on this principle:

> The voting threshold may need to be fully fleshed out. If we assume for argument's sake that there are 4 RIRs, and the to-be- derecognized RIR is represented on the NRO EC, if one RIR abstains, and the remaining vote in favour, with a 50% vote, "does the motion pass?" (or if one is incapacitated)

 2) Do you agree with the Amendment principle as set forth in the Proposed ICP-2 (v2) Principles document?

Amendment: ICP-2 may be amended upon the agreement of ICANN and all RIRs.

(X) Strongly Agree

(_) Agree

(_) Neutral

(_) Disagree

(_) Strongly Disagree

 Please share any additional comments you have on this principle:

 3) Do you agree with the Rectification principle as set forth in the Proposed ICP-2 (v2) Principles document?

Rectification: If an amendment to ICP-2 conflicts with an RIR's existing policies, practices, or bylaws, the amendment shall prescribe a reasonable but specific grace period for the RIR to bring its conflicting policies, practices, or bylaws into conformity with ICP-2 before the RIR may be considered non- compliant.

(_) Strongly Agree

(X) Agree

(_) Neutral

(_) Disagree

(_) Strongly Disagree

 Please share any additional comments you have on this principle:

Can't we imagine a scenario where it is a practice within an RIR that triggers a change in ICP2?

Section 2: RIR Ecosystem

 4) Do you agree with the Coverage principle as set forth in the Proposed ICP-2 (v2) Principles document?

Coverage: All RIRs shall jointly ensure that all areas on the globe continually receive RIR services.

(X) Strongly Agree

(_) Agree

(_) Neutral

(_) Disagree

(_) Strongly Disagree

 Please share any additional comments you have on this principle:

 5) Do you agree with the Service Region principle as set forth in the Proposed ICP-2 (v2) Principles document?

Service Region: The Region for which an RIR is responsible shall cover a large multinational geographic area and shall not overlap with that of another RIR.

(X) Strongly Agree

(_) Agree

(_) Neutral

(_) Disagree

(_) Strongly Disagree

 Please share any additional comments you have on this principle:

We assume that "large" should not be such that the policy "may be gamed" to enable the creation of a country-specific RIR. There should also be consensus within the Region that is impacted.

Section 3: RIR Lifecycle

 6) Do you agree with the Recognition principle as set forth in the Proposed ICP-2 (v2) Principles document?

Recognition: A Candidate RIR must meet or demonstrate that it can meet all the requirements of an RIR specified in ICP-2 to be recognized as an RIR.

(X) Strongly Agree

(_) Agree

(_) Neutral

(_) Disagree

(_) Strongly Disagree

Please share any additional comments you have on this principle:

Maybe *"2 to be considered for recognition as an RIR", rather than "to be recognized as an RIR"*

7) Do you agree with the Operation principle as set forth in the Proposed ICP-2 (v2) Principles document?

Operation: An RIR, once recognized, must continually meet all the requirements specified in ICP-2 in an auditable fashion.

(X) Strongly Agree

(_) Agree

(_) Neutral

(_) Disagree

(_) Strongly Disagree

Please share any additional comments you have on this principle:

8) Do you agree with the Derecognition principle as set forth in the Proposed ICP-2 (v2) Principles document?

Derecognition: An RIR that does not continue to meet all the requirements specified in ICP-2 may be derecognized as an RIR.

(X) Strongly Agree

( ) Agree

(_) Neutral

(_) Disagree

(_) Strongly Disagree

Please share any additional comments you have on this principle:

Section 4: Recognition

9) Do you agree with the Community Support principle as set forth in the Proposed ICP-2 (v2) Principles document?

Community Support: *Resource Holders in the Region that the Candidate RIR proposes to serve must broadly support recognizing the Candidate RIR as the RIR responsible for serving that Region.*

(_) Strongly Agree

(X) Agree

(_) Neutral

(_) Disagree

(_) Strongly Disagree

Please share any additional comments you have on this principle:

The ISPCP notes that in the context of an audit, a "broad support" may be difficult to assess, if the means to make this assessment is not specified.

10) Do you agree with the Community Commitment principle as set forth in the Proposed ICP-2 (v2) Principles document?

Community Commitment: A Candidate RIR must demonstrate that its community is willing to support the RIR, both financially and by actively participating in its governance.

(_) Strongly Agree

(X) Agree

(_) Neutral

(_) Disagree

(_) Strongly Disagree

 Please share any additional comments you have on this principle:

How is it substantiated? What are the metrics?

Section 5: Operation

 11) Do you agree with the Independence principle as set forth in the Proposed ICP-2 (v2) Principles document?

Independence: An RIR must be financially stable and independent.

(X) Strongly Agree

( ) Agree

(_) Neutral

(_) Disagree

(_) Strongly Disagree

 Please share any additional comments you have on this principle:

 12) Do you agree with the Not-for-Profit principle as set forth in the Proposed ICP-2 (v2) Principles document?

Not-for-Profit: An RIR must operate on a not-for-profit basis.

(X) Strongly Agree

(_) Agree

(_) Neutral

(_) Disagree

(_) Strongly Disagree

Please share any additional comments you have on this principle:

>

13) Do you agree with the Corporate Governance principle as set forth in the Proposed ICP-2 (v2) Principles document?

Corporate Governance: *An RIR must follow corporate governance procedures consistent with best practices in its jurisdiction.*

(X) Strongly Agree

(_) Agree

(_) Neutral

(_) Disagree

(_) Strongly Disagree

Please share any additional comments you have on this principle:

> The ISPCP notes that "corporate governance best practices" may vary region the region covered by a RIR, and best practices and legislations may even be incompatible between countries (eg one tier vs two tier models of corporate governance, financial reporting standards, mandatory board committees on the board etc).
> The legal corporate governance provisions of the country/jurisdiction where the RIR is incorporated will have to be met.

14) Do you agree with the Member-Controlled principle as set forth in the Proposed ICP-2 (v2) Principles document?

Member-Controlled: *The majority of an RIR's governing body must be elected by the RIR's Members, and the governing body must maintain effective control over the RIR.*

(_) Strongly Agree

(X) Agree

(_) Neutral

(_) Disagree

(_) Strongly Disagree

Please share any additional comments you have on this principle:

> If only "a majority" of an RIR's governing body (eg a Board) must be elected by its own members, how is the rest determined and what does it mean? (would they be independent directors? Under what appointment procedure?) Election procedures and term limitations must be predetermined for both elected and independent directors.

15) Do you agree with the Community-Driven principle as set forth in the Proposed ICP-2 (v2) Principles document?

Community-Driven: *An RIR must maintain a community-driven policy development process that is open, transparent, neutral, and publicly documented.*

(X) Strongly Agree

(_) Agree

(_) Neutral

(_) Disagree

(_) Strongly Disagree

Please share any additional comments you have on this principle:

16) Do you agree with the Neutrality principle as set forth in the Proposed ICP-2 (v2) Principles document?

Neutrality: *An RIR must operate and apply its policies in a manner that is neutral and consistent.*

(X) Strongly Agree

(_) Agree

(_) Neutral

(_) Disagree

(_) Strongly Disagree

 Please share any additional comments you have on this principle:

The application of the policies should also be documented, transparent, and to the extent possible publicly recorded.

17) Do you agree with the Transparency principle as set forth in the Proposed ICP-2 (v2) Principles document?

Transparency: An RIR must maintain and publish comprehensive records of its governance, activities, and finances

(X) Strongly Agree

(_) Agree

(_) Neutral

(_) Disagree

(_) Strongly Disagree

 Please share any additional comments you have on this principle:

 18) Do you agree with the Audit principle as set forth in the Proposed ICP-2 (v2) Principles document?

Audit: An RIR must participate in regular audits by an external and independent auditor to ensure that it is continuing to comply with ICP-2.

(_) Strongly Agree

(X) Agree

(_) Neutral

(_) Disagree

(_) Strongly Disagree

 Please share any additional comments you have on this principle:

Should there be a requirement on the frequency or how regular those audits are?

19) Do you agree with the Service principle as set forth in the Proposed ICP-2 (v2) Principles document?

Service: An RIR must provide stable, reliable, secure, accurate, and accountable allocation, registration, and directory services, as well as related technical services, using standard protocols and specifications for cross-RIR compatibility.

(X) Strongly Agree

(_) Agree

(_) Neutral

(_) Disagree

(_) Strongly Disagree

Please share any additional comments you have on this principle:

Shouldn't there be a reference to those allocations being made according to policies that have been approved through the PDP?

20) Do you agree with the Continuity principle as set forth in the Proposed ICP-2 (v2) Principles document?

Continuity: An RIR must maintain continuity procedures and redundancies and participate in record sharing that would enable another RIR to perform its RIR services, if necessary.

(X) Strongly Agree

(_) Agree

(_) Neutral

(_) Disagree

(_) Strongly Disagree

Please share any additional comments you have on this principle:

21) Do you agree with the Anti-Capture principle as set forth in the Proposed ICP-2 (v2) Principles document?

Anti-Capture: An RIR must maintain governance rules and controls to prevent itself from becoming captured.

(X) Strongly Agree

(_) Agree

(_) Neutral

(_) Disagree

(_) Strongly Disagree

Please share any additional comments you have on this principle:

22) Do you agree with the Ecosystem Stability principle as set forth in the Proposed ICP-2 (v2) Principles document?

Ecosystem Stability: Each RIR must cooperate to ensure the ongoing operation and stability of the global Internet number registry system and must not operate or fail to operate in any manner that threatens such stability.

(X) Strongly Agree

(_) Agree

(_) Neutral

(_) Disagree

(_) Strongly Disagree

Please share any additional comments you have on this principle:

Section 6: Derecognition

23) Do you agree with the Remedial Bias principle as set forth in the Proposed ICP-2 (v2) Principles document?

Remedial Bias: ICANN and all other RIRs must provide all reasonable support, if requested, to assist an RIR to cure any failure to comply with ICP-2 before derecognizing the RIR

(X) Strongly Agree

(_) Agree

(_) Neutral

(_) Disagree

(_) Strongly Disagree

Please share any additional comments you have on this principle:

To the extent possible, it may be desirable for this support to be done in a documented and transparent manner.

24) Do you agree with the Handoff principle as set forth in the Proposed ICP-2 (v2) Principles document?

Handoff: A Derecognized RIR must cooperate with ICANN and other RIRs to ensure the smooth transfer of its operations to a successor or interim entity designated in any derecognition decision.

(_) Strongly Agree

(X) Agree

(_) Neutral

(_) Disagree

(_) Strongly Disagree

Please share any additional comments you have on this principle:

We are uncertain this principle can be enforced in the event an RIR is derecognized "without its consent", whether such as scenario is likely, and whether it is desirable to cover such a scenario. Maybe a 'should' rather than a 'must' would be achievable in this respect.

Please provide any other feedback you may have about the Proposed ICP-2 v2 Principles.

<insert preliminary note>