



# Internet Corporation for Assigned Names and Numbers

29 January 2004

Paul Wilson, Director General  
Asia Pacific Network Information Centre  
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SENT VIA EMAIL AND POSTAL SERVICE

Dear Paul,

We are in receipt of the letter jointly sent by the Regional Internet Registry CEOs conveying the proposed MoU between the Address Supporting Organization and ICANN. The proposal also describes a Global Policy Development Process and the formation of a Number Resource Organization (NRO). As you explained during our meeting, the NRO had its inaugural meeting in November 2003 (during the LACNIC meeting), and its positions have been staffed (with you as the Chair). The provisions of the NRO dealing specifically with the ASO MoU were suspended pending our successful conclusion of an agreement. ICANN recognizes the effort that the RIR Boards and Executive Committees have made to align the interests and concerns of the RIRs and ICANN through a new ASO MoU relationship.

As we discussed earlier, there are four specific issues requiring discussion and clarification so that the agreement can be signed:

**(1) The manner in which the Address Council is populated;**

Members of the community have expressed concerns about the manner in which the Address Council will be populated. In your NRO document, the composition of the Numbers Council (which also is proposed to act as the Address Council) is defined as follows:

*7 b. The members of the NRO Number Council shall include:*

- *One person appointed by the Board of each of the RIRs. If the RIR Board which selected the person who is appointed to the NRO Number Council replaces the appointee, the superseding appointee shall immediately take the place of the predecessor.*
- *Two individual members selected via an open, accessible, documented and transparent procedure by the regional policy forum of each RIR shall be members of the NRO Number Council.*

We would appreciate receiving additional details concerning how you and your Boards intend to populate the Address Council/Number Council, particularly the seat reserved for appointment by the RIR Boards.

**(2) The selection of some number of Address Council members by ICANN's Nominating Committee;**

The composition of each Supporting Organization's Council is described in detail in the ICANN bylaws. The GNSO Council and proposed ccNSO Council both include as full participants members who are appointed by ICANN's Nominating Committee, and they also explicitly recognize the appropriate participation of non-voting liaisons from the Governmental Advisory Committee and the At-Large Advisory Committee. The reasons for including liaisons and NomCom-appointed members in the Councils of the ccNSO and GNSO apply equally to the ASO, and we see no reason not to include them in the ASO Council.

Some members of the addressing community have expressed the legitimate concern that Nominating Committee appointees may lack the background and experience necessary to participate effectively in Address Council activities. The qualifications of Nominating Committee appointments emerged as an important issue very early in the ICANN reform process, when a balancing took place between ensuring the broadest possible opportunity for participation in ICANN's activities and avoiding the inefficiency and potential complications of boards and committees populated with inexperienced members. While urging the inclusion of the nominating committee appointees, ICANN welcomes the development of mechanisms whereby the RIR Boards would give guidance to the NomCom to appoint appropriate Address Council members.

(As an example, the ASO could provide a slate of acceptable candidates to the NomCom or provide the NomCom with a list of qualifications by which the NomCom could test candidates.)

**(3) The participation of non-voting liaisons in the activities of the Address Council; and**

With respect to the issue of non-voting liaisons, the RIRs' MoU proposal states that the Address Council "shall admit liaisons from other ICANN entities"; but this directive applies only pursuant to written agreements between those entities and the NRO, and does not explicitly recognize and specify the role of the Governmental Advisory Committee and At-Large Advisory Committee liaisons in the activities of the Address Council. These liaison relationships are essential to the open exchange of information within ICANN, and must be clearly defined in the ASO MoU. As we have discussed in person, ICANN believes that the GAC and ALAC would be willing to accommodate a mutual exchange of liaisons with the ASO and facilitate regular briefings, as they have done with the GNSO.

We would appreciate your amending the MoU wording to ensure that this vital cross-organizational function is preserved.

**(4) The specification of time limits for Address Council action in the Global Policy Development Process.**

The proposed Global Policy Development Process contains specific time limits applicable to the consideration and ratification of proposed policies by ICANN's Board, but no time limits are specified for the actions of the Address Council. The ASO may also consider applying time limits to its own actions. The ability of the Internet community to track policy development progress and of the ASO to effectively manage expectations depend on these time limits.

Per our teleconference on Monday, 25 January, ICANN notes your statement that the provision concerning the recognition of new RIR's has been suspended as per your decision in November 2003 meeting in Havana. We also note that such a policy was used by the ICANN board to effect the recognition of LACNIC on 30 October 2002.

Paul, ICANN is greatly encouraged by these proposals from the RIRs, and believe that we are close to reaching agreement on a new ASO MoU and Global Policy Development Process. All of the parties involved, including the Internet community that depends on the stable and reliable operation of the number resource functions, will benefit from that agreement.

Please accept our thanks in advance for considering these issues. We look forward to and will appreciate receiving the response from the RIR boards as soon as practicable.

Sincerely,

Paul Twomey

cc: Vint Cerf, ICANN Chairman of the Board  
Alejandro Pisanty, ICANN Director  
Lyman Chapin, ICANN Director