Implementation and Assessment Procedures for ICP-2 Compliance

1. Introduction
   1. Internet Coordination Policy 2 (**ICP-2**)[[1]](#footnote-2) was accepted on 4 June 2001 as a statement of policy followed by the Internet Assigned Numbers Authority (**IANA**) in administering the system for allocation and assignment of Internet Protocol (**IP**) addresses. This statement was accepted by the Internet Corporation for Assigned Names and Numbers’ (**ICANN’s**) Board of Directors and is titled “Criteria for Establishment of New Regional Internet Registries” which identifies the essential requirements for the recognition of new Regional Internet Registries (**RIRs**), in supplementation to section 9 of the ASO-Memorandum of Understanding.[[2]](#footnote-3) Further, the ICANN Board acknowledged this as a framework for consideration of applications for recognition of new RIRs.
   2. ICP-2 delineates the essential criteria for establishment of an RIR and with that, the understanding that an RIR will maintain such criteria throughout its status as an RIR.
   3. ICP-2 sets out that the principles of ICP-2 apply not only to “the successful establishment” of an RIR but also the continued “operation of an RIR”, in addition to contemplating the ongoing “auditability of RIR operations, essential in demonstrating responsible and neutral operations”.
   4. This document sets forth the ICP-2 implementation and assessment procedures by which a recognized RIR may be reviewed against the criteria of ICP-2 to determine its continued operating compliance in all material respects with ICP-2.
   5. It is noted that while ICP-2 only makes reference to “new RIRs”, which given the time of its adoption would include only LACNIC and AFRINIC, the other RIRs (being APNIC, ARIN, and RIPE NCC) all agree that ongoing compliance with the criteria set out under ICP-2 is essential and as such accept that each are, and should be, subject to the same continuing obligations.
   6. Terms not otherwise defined in this document have the meaning given to them in ICP-2.
2. Continuing obligations under ICP-2
   1. This section sets out the continuing obligations which apply to each RIR in accordance with the criteria set out under ICP-2. The sub-headings used in this section are numbered for consistency with the criteria set out under ICP-2.
3. Regional coverage
   1. Each RIR must operate internationally in a large geographical region of approximately continental size.
   2. Each RIR should serve a region and operate under single unified management system.
   3. The internal administrative or membership structure of an RIR must not cause any of the following:
      1. Unnecessary fragmentation of address space allocated to the region;
      2. difficulty for co-ordination and co-operation between the RIRs; or
      3. confusion for the community within the region.
4. Support of the LIRs (ISP community) in the proposed region
   1. ICP-2 requires that in order for a new RIR to be recognized “Clear consensus must be demonstrated within the community that a very substantial majority of the ISPs in the region are prepared to support the new RIR.”
   2. Consistent with this requirement, an RIR must maintain the ongoing support of its community. As the nature of support necessary for an RIR at the time of recognition is distinct from the ongoing support necessary for a fully operational RIR and its varied activities, the assessment of ongoing compliance with this criterion should adopt a broader view of the support provided than that which was used under the original recognition criteria.
5. Bottom-up self-governance structure for setting local policies
   1. An RIR must have clearly documented and defined procedures for resource management policies which may be implemented regionally, as well as those that may be recommended to the Address Council for consideration as global policies.
   2. The procedures set out under section 2.7 must be open and transparent, be accessible to all interested parties, and ensure fair representation of all constituencies within the region.
   3. An RIR must hold at least one annual policy development meeting that is open and accessible to all interested parties.
   4. An RIR must maintain public archived mailing lists to discuss policy development.
6. Neutrality and impartiality in relation to all interested parties, and particularly the LIRs/ISPs
   1. An RIR must treat equally all similarly situated organisations that receive services from it.
   2. An RIR must ensure that its policies and guidelines (being those adopted by the RIR and not those proposed through community led bottom-up policy development process) ensure fair distribution of resources and impartial treatment of the members/requestors without violating any applicable legislation.
   3. An RIR must be an independent, not-for-profit, and open membership association.
7. Technical expertise
   1. An RIR must be technically capable of providing the required allocation and registration services to the community in its region, including the provisioning of:
      1. production grade global Internet connectivity, in order to provide access to all services offered and for exchange of registry data to and from the other RIR-whois database server(s);
      2. DNS servers to support Reverse DNS delegation;
      3. suitable internal infrastructure for operational purposes; and
      4. enough technically capable staff to ensure appropriate service levels to the LIRs, and to the Internet community.
8. Adherence to global policies
   1. An RIR must ensure that its local policies are:
      1. consistent with global policies and the main goals of the registry system, in particular the conservation of IP address space and aggregation of routing information; and
      2. fully documented and publicly accessible.
9. Activities
   1. An RIR should not be involved in forward domain name assignment or administration, due to the entirely different user communities, geographic boundaries, policy environments, and business models which are involved.
10. Funding model
    1. An RIR must be demonstrably independent and autonomous in its operations.
    2. Noting that ICP-2 encourages RIRs to engage in broader activities than just core operations, it is considered that this criterion applies only to the core operations of an RIR.
11. Record keeping
    1. An RIR must maintain proper records of all registry activities, including the archiving of all information collected from resource holders in the process of making IP address space assignments for both:
       1. internal purposes in the evaluation of subsequent requests from the same customers; and
       2. the auditability of the RIR’s operations,

essential in demonstrating responsible and neural operations.

* 1. An RIR must ensure that core registry documentation and records which may be subject to frequent review (or exchange with) other RIRs, IANA or ICANN must be available at all times in English.
  2. An RIR must ensure that information which may be required for an operational audit of RIR procedures must be able to be provided in English within a reasonable timeframe.

10) Confidentiality

* 1. An RIR must keep information collected in the registration process in strict confidence and used for registration purposes only. Such information must:
     1. be transmitted only to another RIR or IANA upon request; and
     2. not transmitted to any other party unless explicitly agreed to in writing by the LIR/ISP served.
  2. An RIR must maintain these basic confidentiality provisions even where the RIR has established their own local standards and policies for confidentiality.

1. Assessment of an RIR for Compliance with Community-developed Criteria of ICP-2
   1. This document does not consider the initiation of compliance reviews based on non-compliances that are not material in nature as it is expected these will be communicated and addressed directly between the RIRs as appropriate.
   2. This section sets forth the procedure for the review and assessment of an RIR’s potential material non-compliance with ICP-2.

Request for Compliance Review

* 1. If it is reasonably believed that there may be an issue of material non-compliance with ICP-2 by an RIR (**Subject RIR**), the other RIRs (**Reviewing RIRs**) may by unanimous decision request ICANN conduct a review of the Subject RIR for compliance with ICP-2 criteria (**Compliance Review**).
  2. The request for a Compliance Review will be sent to ICANN, along with a notice to the Subject RIR, containing:
     1. the issue or state of affairs giving rise to the request; and
     2. any supporting information available to assist ICANN in conducting the Compliance Review.

Conduct of Compliance Review

* 1. ICANN, as the organization responsible for accrediting and approving the establishment of new RIRs (in coordination with the Number Resource Organization), or a competent third party appointed by ICANN, will conduct the Compliance Review to identify any instances of material non-compliance with ICP-2 by the Subject RIR.
  2. The Compliance Review is to be commenced as soon as practicable after the written notice has been received.
  3. The Subject RIR is required, in accordance with Criteria 9 (Record Keeping) and Criteria 10 (Confidentiality), to provide all information and access necessary for ICANN or its delegate to be able to conduct the Compliance Review (whether remotely or in-person).

Findings of the Compliance Review

* 1. Subject to section 3.9, on completion of the Compliance Review, ICANN will deliver its draft written findings (**Draft Findings**) to the Reviewing RIRs and the Subject RIR who may respond to correct any material errors of fact in the Draft Findings within two (2) weeks from the date on which the Draft Findings were sent. ICANN will consider the responses received from the Subject RIR or any of the Reviewing RIRs and may make any changes it considers reasonably necessary before issuing its final determination (**Final Determination**).
  2. If, on completion of the Compliance Review, ICANN identifies a material non-compliance and reasonably believes:
     1. that the material non-compliance is of a nature that cannot be cured or remedied within a reasonable period of time;
     2. that the material non-compliance is so critical that a remedy would not be appropriate; or
     3. that the Subject RIR is incapable of responding,

ICANN may dispense with issuing the Draft Findings and move immediately to a Final Determination.

Final Determination

* 1. In making a Final Determination of non-compliance, ICANN must be reasonably satisfied on the balance of probabilities (i.e. it is more likely than not) that the non-compliance identified or alleged is accurate and has occurred or is continuing to occur.
  2. The Final Determination will include, where applicable, the required remedy for any non-compliance with ICP-2 by the Subject RIR, if appropriate, and will specify the timeframe in which the non-compliance must be remedied.

No material non-compliance

* 1. If the Final Determination does not identify any material non-compliance with ICP-2 by the Subject RIR, ICANN will issue the Final Determination to the Subject RIR and the Reviewing RIRs along with recommendations to address any non-compliances identified which are not material in nature.

Material non-compliance

* 1. If the Final Determination identifies one or more material non-compliances with ICP-2 by the Subject RIR, but ICANN considers such non-compliances to be of a nature that is capable of being cured or remedied within a reasonable time, ICANN will issue the Final Determination to the Subject RIR and the Reviewing RIRs which will include:
     1. the required remedy for any material non-compliance identified; and
     2. the timeframe in which the material non-compliance must be remedied.
  2. The Subject RIR must take all actions necessary to remedy each material non-compliance set out in the Final Determination issued under section 3.13 within the timeframe specified. If the Subject RIR fails to do so, ICANN may grant an extension of time or proceed immediately with Derecognition.
  3. If the Final Determination identifies one or more material non-compliances with ICP-2 by the Subject RIR, and ICANN reasonably believes that the material non-compliance is of a nature that:
     1. cannot be cured or remedied within a reasonable period of time; or
     2. is so critical that a remedy would not be appropriate,

the Final Determination may provide that the Subject RIR no longer fulfils the criteria to be recognized as an RIR and therefore is no longer recognized as an approved RIR (**Derecognition**).

1. Effect of Derecognition
   1. In the event ICANN proceeds with Derecognition of the Subject RIR, ICANN and the Reviewing RIRs will:
      1. work together to ensure ongoing service to the area previously served by the Subject RIR, including redelegating the functions of the Subject RIR on an interim basis (until such time as a new RIR is recognized to serve the relevant service region); and
      2. work with the LIR/ISP community of the Subject RIR’s service region to identify and recognize a new RIR, in accordance with ICP-2, to serve that service region within a reasonable period of time.
   2. The Subject RIR that is the subject of Derecognition must immediately:
      1. cease any and all RIR-related activities;
      2. provide all data (and related software or systems necessary to access and utilize such data) necessary to allow ICANN and the Reviewing RIRs to assume the redelegated RIR functions of the Subject RIR in accordance with section 4.1(a); and
      3. cooperate with ICANN and the Reviewing RIRs to support the achievement of the objectives set out in section 4.1.

1. See <https://www.icann.org/resources/pages/new-rirs-criteria-2012-02-25-en> [↑](#footnote-ref-2)
2. See <https://archive.icann.org/en/aso/aso-mou-26aug99.htm> for an archived version of the original ASO MoU. [↑](#footnote-ref-3)