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WASHINGTON
UNIVERSITY
LAW SCHOOL
WASHINGTON DC

Edward T. Swaine
Professor of Law
(202) 994-0608
eswaine@law.gwu.edu

September 30, 2015

Mr. Steven Chan
Senior Policy Manager
ICANN
12025 Waterfront Drive, Suite 300
Los Angeles, CA 90094-2536
By email

Re: Policy Development Process Working Group Inquiry

Dear Mr. Chan:

Thank you for forwarding the questions relating to international law and the immunity of intergovernmental organizations (IGOs). Based on the materials and our email and telephone exchanges, I am confident that I could provide you with advice on the matters concerned. As I indicated by email, the answers will necessarily entail some generalization and approximation since, as you appreciate, the resolution of immunity questions depends not merely on customary international law, but also on the IGO and jurisdiction concerned—both because the matter may be governed by treaty and because national practice varies considerably. Among the four questions indicated, I may have the least to say on the third—relating to how IGOs generally handle standard commercial contractual clauses—because, to my knowledge, publicly available practice (aside from employment matters) is fairly sparse and quite IGO-specific.

My assessment would be based primarily on my current knowledge, rather than on additional extensive research, though some research would be appropriate. Based on that premise, and my understanding of the time frame and your expectations, it is my estimate that I could provide a draft responsive memo on the schedule indicated after approximately 10-12 hours of work at a rate of [REDACTED] per hour. If you would prefer a flat rate—which might provide you with greater certainty—I would suggest [REDACTED].

I am happy to discuss this with you. Thanks again for your inquiry, and I look forward to hearing from you.

Sincerely,

/s/ Edward T. Swaine