Report on the
ASO Review Consultation

SEPTEMBER 2018

LACNIC

1.Introduction

This document describes the process followed by the LACNIC community in relation to the Address Supporting Organization (ASO) Review. The document includes three recommendations on the future structure and functioning of the ASO. To this end, the LACNIC Board appointed a team comprised of community representatives to orient the process towards the community and consolidate the contributions received as a result of the consultation. This team is made up by Ricardo Patara (Brazil), Jorge Villa (Cuba) and Javier Salazar (Mexico, representative of the Board).

The consultation consisted of informative sessions, engagement at different levels and formal instances to receive the contributions of the community. Specific elements of the consultation included:

- **A discussion list.** Starting on 16 April, a discussion list was provided to encourage the debate on the role and functions of the ASO. It was possible to subscribe to the list at the following URL: https://bit.ly/2HI4bvU. All posts submitted to the list can also be found at that link.

- **A webinar.** On 23 April, a webinar was held with the participation of Oscar Robles, LACNIC CEO, and other members of the community who offered detailed information on the ASO Review and encouraged interactions among those interested in the topic. A recording of the webinar is available at the following link:

  https://www.youtube.com/watch?v=slVgpjk2PVU

- **A public in-person consultation.** A public consultation on the ASO Review in Latin America and the Caribbean was held on 2 May in Panama City within the

framework of the LACNIC 29 event. A recording of this public consultation is available at the following link: https://youtu.be/-EK-BuIF1I4

This document consolidates the contributions received during the process and summarizes the main recommendations of the LACNIC community regarding a central problem which was identified in advance by the team. Three **specific policy guidelines** emerged. The consultation allowed an examination of the central problem and provided specific contributions for its resolution.

2. Target audience

This consultation was addressed to anyone who is part of the numbers community and has an interest in governance issues.

3. Background

The Number Resource Organization (NRO) is responsible for conducting a review of the ASO within the structure of the Internet Corporation for Assigned Names and Numbers (ICANN), for which it engaged ITEMS International, a consultancy firm specializing in telecommunications and the Internet. ITEMS International published their final report this past 8 August.

Within the framework of this process, the LACNIC Board shared its vision on the recommendations included in the Final Report.

The LACNIC Board reviewed the first seventeen recommendations and concluded that they are mostly of an operational nature and can be implemented as soon as the executive body of the NRO (the NRO EC) deems it appropriate, as they require coordination among the five RIRs.

As for recommendation #18, which suggests the possibility of initiating a consultation involving the community of each region to determine the level of changes needed for the ASO, the NRO EC agreed to accept this recommendation and therefore each Regional Internet Registry (RIR) has processed a public consultation with its respective community on the issues identified in the Report.

While each RIR launched its own consultation process within its community, the NRO agrees with the current collective announcement and a coordinated call for contributions to maintain consistency in the scope of regional consultations, both among the RIRs as well as with the Report.

4. Purpose

The purpose of the consultation was to review the structural implications of the issues identified by the ASO Review conducted by ITEMS, including but not limited to:

- Any updates and adjustments identified as required for ASO-related documents
- Any procedural clarifications and adjustments identified
- Reported confusion of roles between ASO and NRO, and their components
- Perceived complexity of relationships among NRO, ASO and ICANN
- Relevance and cost to the RIRs of various ICANN outreach activities

The following aspects were out of the scope of this public consultation:

- The Global Policy Development Process (GPDP)
- The role of the ASO AC with regards to the GPDP

5. Central problem

Problem

After consulting with current ASO AC members, the main problem with the *status quo* of the ASO has been defined: the current lack of definition of the roles of the ASO AC and the NRO EC in certain situations can cause **operational problems in the ASO** between both bodies, and this is not sustainable.

Context

The mandates that govern the participation of the numbers community in the ICANN community stem from the NRO MoU, the ASO MoU, and the ICANN Bylaws. The members of the ASO Advisory Council (ASO AC) are the members of the NRO Numbers Council (NRO NC).

Accordingly, (within ICANN) the NRO fully assumes the responsibilities defined for the ASO, with a structure made up by the NRO EC and an NRO NC.

The NRO EC is composed mainly of the executive directors of the five RIRs, whereas the NRO NC is made up by 15 members (elected in identical proportion by the five regional number communities). Within ICANN, these 15 members of the NRO NC are known as the ASO AC.

Among others, the 15 members of the ASO AC have three main roles: participating in the global policy development processes of the RIRs; deciding the selection of individuals to serve on other ICANN bodies, including the ICANN Board; and providing advice to the ICANN Board on Internet number resource issues. Any other function would be outside the scope of this Council.

After the IANA transition, these three main functions have been "expanded," and this has generated difficulties and misunderstandings between the ASO AC, the NRO and ICANN.

At various times, the participation of the ASO (as one of the three supporting organizations defined within ICANN) has been requested for tasks that are not directly related to the numbers community but are nevertheless of great importance within the context of ICANN. Likewise, as a result of the culmination of the IANA oversight transition process, new responsibilities are anticipated for the ASO as part of the new paradigm known as *Empowered Community*.

Because the ASO AC operates only within the context of ICANN and the NRO EC performs other essential functions (not related to ICANN) for the numbers community, sometimes the ASO AC is contacted directly, while others the NRO EC is contacted, thus creating a state of uncertainty (or misunderstanding) as to their roles in the case of certain situations that were not foreseen in the procedures of both groups.

Policy Guideline 1:
Recommended

Establish that anything involving tasks and responsibilities that have not explicitly been assigned to the ASO AC are to be assumed by the NRO EC.

Accordingly, the NRO EC will define the working mechanisms required to address each new task and assign new responsibilities based on five possible scenarios:

A. Sole participation of members of the NRO EC

B. Transferring the tasks and/or responsibilities to the ASO AC

C. Indistinct participation of members of the NRO EC and the ASO AC

D. Selecting individuals outside the ASO AC and the NRO EC

E. Refusing participation of the ASO in the task and/or responsibility

Required Action

Minor modification to sections 2 and 3.b of the ASO MoU to explicitly name the NRO EC as the agent responsible for defining the working mechanisms required to address any new tasks and/or responsibilities that may arise within the framework of the relationship of the numbers community with ICANN. In turn, the ASO AC shall not make any decision outside of its mandate and shall inform the NRO EC of any opportunity that might require the involvement of the number community when appropriate

Policy Guideline 2 (alternative to PG 1):
Recommended

Currently the NRO may be under a possible modification of the NRO EC structure. Any process not explicitly defined by a current document as being a responsibility of the ASO AC shall be assumed directly by the NRO EC. The NRO EC is the authority responsible for making the corresponding decisions in each case. This alternative might require implementing some type of modification to its current structure.

Required Action

Modifying the NRO MoU to consider a possible restructuring of the NRO EC.

Minor modification to sections 2 and 3.b of the ASO MoU similar to that described in PG 1, with emphasis on the limitations of the responsibilities of the ASO AC.

Policy Guideline 3:
Required

As a complement to the above, the ASO AC and NRO EC chairs should continue to coordinate their work and strengthen this coordination, mainly through the ASOCHAIRS list (which already exists and is currently in operation).

This mechanism is effective, completely flexible, easy to implement, and will allow the NRO EC to define how it will address requests and new functions in a clear and transparent manner (as opposed to an ad hoc manner).

Required Action

Minor modification to sections 2 and 3.b of the ASO MoU to enable and institutionalize the use of the ASOCHAIRS list by default, especially in view of any eventuality that may arise within the framework of the relationship of the numbers community with ICANN.