

A dark blue background with a network diagram consisting of interconnected nodes and lines. The nodes are represented by circles of varying sizes, and the lines are thin and light blue. The overall effect is a complex, web-like structure.

ICANN | ASO

Address Supporting Organization

ASO Review Update

ICANN 61

San Juan, Puerto Rico

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Background

- The ICANN Bylaws, call for periodic reviews of the performance and operation of each Supporting Organization by an independent entity.
- The ASO underwent first independent review during 2011. In 2017, the NRO engaged ITEMS International to conduct the second independent review of the ASO.
- The review was conducted over a period of six months, between February and July 2017.
- August 2017 - Review published – 18 Recommendations
- January 2018 - NRO EC and ASO AC Joint Response to the 2017 Independent ASO Review Recommendations

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Address Supporting Organization

Recommendation # 1: ICANN should consider updating its Bylaws to reflect the fact that the NRO will, like the GAC, and according to the ASO MoU, provide its own review mechanism for the review of ASO.

Joint Response: We recommend proceeding on Recommendation 1.

Recommendation # 2: The NRO should consider updating the ASO MoU to reflect the fact that the appropriate section of the New ICANN Bylaws regarding Organizational Reviews is Section 4.4 (previously Article IV, Section 4).

Joint Response: We recommend proceeding on Recommendation 2.

Recommendation # 3: The NRO should adopt a procedure for conducting periodic reviews of the ASO in line with processes used by the ICANN Organizational Effectiveness Committee.

Joint Response: We recommend proceeding on Recommendation 3.

Recommendation # 4: The signatories of the ASO MoU should consider updates to the MoU including

- i) the addition of AFRINIC as a signatory,
- ii) the removal of Appendix B.
- iii) updates in connection with the responsibilities of the ASO as a Decisional Participant in the ICANN *Empowered Community*.

Joint Response: We recommend proceeding on

- i) the addition of AFRINIC as a signatory and
- ii) the removal of Appendix B.

We do not recommend proceeding on

- iii) updates in connection with the responsibilities of the ASO as a Decisional Participant in the ICANN Empowered Community, as such updates would be duplicative of information already contained in ICANN Bylaws.

Recommendation # 5: Upon completion of every independent review of the ASO, the NRO and ICANN should initiate discussions, as per Article 9 of the MoU, to examine results and consequences of their cooperation. The parties should determine if the ASO has a continuing purpose within the ICANN structure, and re-evaluate the MoU accordingly.

Joint Response: We recommend proceeding on Recommendation 5.

Recommendation # 6: The ASO AC should ensure that procedures are developed for Steps 12, 15 and 16 of the GPDP as described in Attachment A of the ASO MoU.

Joint Response: We recommend that the ASO AC should work on the “agreed procedures” referred to in steps 12 and 15 of the GPDP. We recommend that the NRO EC should work on the agreement referred to in step 16 of the GPDP.

Recommendation # 7: The ASO should consider the adoption of a single, authoritative description of the GPDP for global numbering policies. The same description of the GPDP should appear in Attachment A of the ASO MoU and the relevant section of the Operating Procedures of the ASO AC (Currently Section 6).

Joint Response: We consider that these are two documents to serve different purposes and do not conflict. Attachment A of the ASO MoU is the authoritative definition of the Global Policy Development Process. Section 6 of the ASO AC operation procedures gives more detail about how the ASO AC will implement the GPDP. We suggest asking the ASO AC to edit their operating procedures to clarify the relationship between the GPDP and the operating procedures.

Recommendation # 8: With a view to increasing awareness regarding the mission, main operations, and separation of roles between the ASO AC and the NRO EC within the ASO, the NRO should consider the use of more infographics on its website.

Joint Response: We agree to consider the use of more infographics on its website.

Recommendation # 9: The ASO AC should implement term limits for the positions of Chair and Vice-Chair.

Joint Response: We refer recommendation 9 to the ASO AC for their consideration.

Status: Draft text under review

Recommendation # 10: The ASO AC should ensure that the duties of the Address Council Chair and the Address Council Vice-Chairs need to be added to the ASO AC Operating Procedures.

Joint Response: We refer recommendation 10 to the ASO AC for their consideration.

Status: Draft text under review

Recommendation # 11: The ASO AC should ensure that its internal procedure for the removal of an ICANN Board Director is consistent with Section 7.11 of the New ICANN Bylaws.

Joint Response: We agree that there is a need to update procedures for removal of an ICANN Board Director, and note that this may need procedural changes by both the ASO AC and the NRO NC, in view of the NRO's role in the ICANN Empowered Community. We also note that there are concerns about whether ASO AC members acting in good faith would be indemnified by ICANN, the NRO, or the RIRs.

Recommendation # 12: The ASO should establish the NRO Executive Secretary as the ASO Point of Contact (PoC). The ASO AC should establish procedures for forwarding communications to appropriate parties within the ASO.

Joint Response: As included in recommendation 12, we agree to review the contact points and procedures for reaching relevant parties in the ASO and NRO. We do not recommend proceeding with establishing the NRO Secretariat as the ASO contact point, but instead recommends reviewing and establishing clear contact points and procedures as appropriate.

Recommendation # 13: The ASO MoU should be updated to reflect the new reality of the *Empowered Community* and specify that the roles and responsibilities within the ASO must be clearly defined.

Joint Response: We believe that the Empowered Community is out of the scope of the ASO review, and that updating the MoU is not appropriate as the updates would be duplicative of information already contained in ICANN Bylaws.

Recommendation # 14: The ASO AC should either confirm that the designated representative of the ASO on the Empowered Community Administration will be the Chair of the NRO EC, or develop a procedure for appointing another representative.

Joint Response: We confirm that the Chair of the NRO EC (or an alternative representative as selected by the NRO EC when necessary) is the Designated Representative of the ASO. The NRO EC is the appropriate body to define the appointment process (rather than the ASO AC) because the Empowered Community is not an ICANN body but a separate organization.

Recommendation # 15: ASO AC meetings should be open to the public, except for discussions regarding the selection of individuals for ICANN roles.

Joint Response: We refer recommendation 15 to the ASO AC for their consideration.

Status: Draft text under review

Recommendation # 16: For its internal communications, and for most matters related to the operations of the ASO, the ASO should favour the use of a publicly archived mailing list. In exceptional circumstances, for issues (e.g. Board appointments) that cannot be discussed in public, a non-publicly archived list should be used.

Joint Response: We believe that recommendation intends ASO AC when it notes ‘...the ASO should favour the use of a publicly archived mailing list’. We therefore refer recommendation 16 to the ASO AC for their consideration.

Status: Draft text under review

Recommendation # 17: In the interests of transparency, the ASO website should be updated with recent presentations, contact details and an archive of the activities of both the ASO AC and NRO EC.

Joint Response: We recommend proceeding on Recommendation 17.

Recommendation # 18: The NRO should initiate a public consultation, involving the five RIR communities, to determine the future structure of the ASO.

Joint Response: We agree that *“The NRO should initiate a public consultation, involving the five RIR communities, to determine the future structure of the ASO”*.