

Title:	Report of Public Comments - Draft Final Report of Geographic Regions Review Working Group		
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Section I: General Overview and Next Steps			
BACKGROUND:			
<p>Geographic diversity is a fundamental component of the ICANN organization. The ICANN Bylaws (Article VI Section 5) currently define five geographic regions as Africa, North America, Latin America/Caribbean, Asia/Australia/Pacific and Europe.</p> <p>The ICANN Geographic Regions were originally created to ensure regional diversity in the composition of the ICANN Board and were subsequently expanded in various ways to apply to the Generic Names Supporting Organization (GNSO), At-Large Advisory Committee (ALAC) and the Country Code Names Supporting Organization (ccNSO).</p> <p>Over time, community members have developed concerns about the implementation of the ICANN Geographic Regions and related representational issues. The ccNSO Council approved a resolution in 2007 recommending that the ICANN Board appoint a community-wide working group to further study and review the issues related to the definition of the ICANN Geographic Regions, to consult with all stakeholders and submit proposals to the Board to resolve the issues relating to the current definition of the ICANN Geographic Regions.</p> <p>The rest of the community supported the concept of a working group and the Board authorized its formation at its December 2008 Meeting (see - http://www.icann.org/en/minutes/resolutions-07nov08.htm - _Toc87682556). The Board approved the charter of the Geographic Regions Review Working Group (hereinafter "the Working Group" or "the WG") at its public meeting in June 2009 (see - http://www.icann.org/en/minutes/resolutions-26jun09.htm - 1.2).</p> <p>The Charter authorized by the Board outlined a three-part process beginning with an Initial Report (see http://www.icann.org/en/public-comment/public-comment-200909.html#geo-regions-review, followed by an Interim Report and finishing with a Final Report. The Working Group completed the first two parts of its work and is working to complete its Final Report document. Prior to formally submitting its recommendations to the ICANN Board, the Working Group shared a draft Final Report with the community in this forum.</p>			
NEXT STEPS:			

The Working Group will closely review all comments submitted in this proceeding and will determine whether to modify the recommendations in the Final Report. Staff will maintain a Public Comment Issue Tracking Checklist (accompanying this report) to track and report any adjustments that the Working Group makes to the recommendations in the draft Final Report. The Working Group expects to formally publish its Final Report later this year. At that time the various ICANN Supporting Organizations and Advisory Committees will be asked to formally comment on the recommendations in the Final Report.

Section II: Contributors

A total of nine different entities submitted ten comments in the forum regarding the Working Groups' Draft Final Report. The Working Group also collected comments from the community at a workshop hosted on 27 October 2011 at the ICANN Public Meeting in Dakar, Senegal. (see <http://dakar42.icann.org/node/27021> - a transcript of the comments from that Workshop has been included in the list of forum submissions and comments made during that workshop are also incorporated into this summary). The contributors and the organizations they represented are listed below with initials noted. To the extent that quotations are used in the foregoing narrative (Section III), such citations will reference the contributor's initials.

The parties commenting (and submitters) in writing included:

At Large Advisory Committee (ALAC)(transmitted by ALAC Staff)
Caribbean ALSes (C-ALSs) (by LACRALO Secretariat)
Country Code Names Supporting Organization (ccNSO)(by Lesley Cowley)
Frank Ellerman (FE)
Internauta Argentina – Asociacion Argentina de Usuarios de Internet (IA) (2 comments submitted by Sergio Salinas Porto)
The Latin American and Caribbean Islands Regional At-Large Organization (LACRALO)(collectively from several LACRALO participants)
Numbering Resource Organization (NRO)(by Andres Piazza)
Pacific Island Chapter of the Internet Society (PICISOC)(by Maureen Hilyard)
United Kingdom Government (UK)(by Mark Carvell)

The identified individuals commenting at the Dakar workshop included:

Tijani Ben Jemaa (TBJ)
Sergio Salinas Porto (SSP)
John Curran (ARIN)

Section III: Summary and Analysis of Comments

General Disclaimer: This section is intended to broadly and comprehensively summarize the comments submitted to this Forum, but not to address every specific position stated by each contributor. Staff recommends that readers interested in specific aspects of any of the summarized comments, or the full context of others, refer directly to the specific contributions at the link referenced above (View Comments Submitted).

The community comments submitted by various parties in this Forum and during the Dakar public workshop appeared to reflect thoughtful and complete readings of the draft Final Report document and ranged from general observations and reactions to the draft recommendations to very specific edits of wording in the draft

report document. Comments generally addressed six major topic areas:

- 1) Views about the general importance of diversity in ICANN;
- 2) Views regarding the applicability and efficacy of the proposed Regional Internet Registries model as a foundation for a reorientation of ICANN's geographic regions framework;
- 3) Views on the proposed process for a transition to the new framework – SO–AC Impacts/Opting-In;
- 4) Reaction and suggestions regarding the Working Group's concept of "Special Interest Groups";
- 5) Comments focusing on how the new RIR model could impact specific countries or territories; and
- 6) Specific edits that commenters noted in the draft document.

The comments regarding each topic area are summarized below. Twenty-five potential actionable comments have also been captured in the accompanying Public Comment Issue Tracking Checklist. Working Group members will be able to use the checklist to track and reflect their disposition of each potentially actionable suggestion or comment.

1) Views About The General Importance of Diversity in ICANN

The ALAC, ccNSO, LACRALO, UK and NRO note general support for the WG's effort on this matter. In particular, the ALAC asserts that "it is of extreme importance that the review of the geographic regions be done for the benefit of a good international representation, taking into account the interest of all parties." ALAC says, "the review will only be successful if it reinforces the objective for which the geographic regions were implemented in ICANN."

The ccNSO "strongly agrees with the WG's conclusions regarding the importance of diversity in ICANN processes." The ccNSO says, "indeed, a commitment to seeking and supporting the participation of the global Internet community is, and must remain, one of ICANN's most important organizing principles." The ccNSO notes, "the 'functional' diversity called for in the ICANN Bylaws is ensured through ICANN's supporting and advisory organizations, and through the provision of various stakeholder groups within the Generic Names Supporting Organization," but cautions that, "ongoing efforts will be required ... to secure and support geographic and cultural diversity."

The ALAC, ccNSO and UK share the view that the current five regional grouping should be maintained. The ccNSO notes that, "although there are arguments both ways (decreasing or increasing the number of regions) the benefits to retain the current five regions outweigh the benefits of creating another structure." The UK states, "any modification or expansion of the number of regions would be unjustifiable, costly and likely to create negative effects that could outweigh the benefits gained."

2) Views Regarding the Proposed Regional Internet Registries Model as a Foundation for a Reorientation of ICANN's Existing Geographic Regions Framework.

The ccNSO comments, "the changes proposed by the WG to align ICANN's geographic regions with the framework employed by the Regional Internet Registries (RIRs) could help reduce linguistic, cultural and travel-related barriers to participation in ICANN processes. Perhaps most significantly, it could expand opportunities for representation and participation by increasing the number of countries in the North American region." However, it warns, "re-organizing the European and Asia-Pacific region may have some unintended side-effects, warranting further exploration." The UK also agrees that "the current five regional groupings should be maintained consistent with the framework for the Regional Internet Registries."

The ALAC says the current framework should be maintained. It asserts that aligning the regions to the RIR model “does not enhance diversity and would not ensure more international representation than the current model.” ALAC says, “the RIRs model was built on technical considerations having nothing to do with diversity. It cannot be the right model for ICANN. If the actual framework is not perfect, the one proposed is worse.”

The ALAC prefers that a formal process should be created permitting any country “in a purely bottom-up fashion ... to request a change from its current region.” ALAC says, “a limited period of time should be given to allow a country to submit its change request; and no country may seek reassignment more than once every ten years.” ALAC acknowledges that a system by which a country may ask for reassignment is yet to be designed and “would require further study.”

The NRO comments clarify the role and perspective that it provided regarding the Working Group draft recommendations. The NRO notes, “neither of the two ASO representatives on the WG proposed, advocated or endorsed the use of the RIR model as a framework to be used by ICANN.” The NRO stresses, “we have no interest in the use of its model as the new geographic framework for ICANN, and that this is a matter entirely for the affected stakeholders.” The NRO explains, “the RIR system was created as a result of a community-based bottom-up policy development processes and has evolved with the aim of ensuring a fair distribution of IP address space globally, and to minimize address space fragmentation.”

The NRO says, “if the RIR model is considered by the ICANN community as a useful starting point to update its geographic regions, this is a fortunate coincidence but certainly not an intended or expected application of the model.” The NRO further explains, “the RIR geographical framework is not fixed and may continue evolving over time according to our community-based bottom-up participatory policy development processes.”

The NRO says, “while the Draft Final Report suggests the use of the RIR model ‘as a starting point for a revised regional framework at ICANN’, it does not mention how changes in the RIR system may affect the ICANN geographic framework in the future. The NRO suggests, “perhaps a Final Version could expand more on this possible scenario.”

In the English version of its 14 December comments, IA appears to object to language at the end of paragraph 47(e) and asks that the last sentence be re-considered or removed expressing concern that “any country that automatically integrates a region has the same rights and obligations as others who are integrating the region so far.” Paragraph 47(e) was also the subject of an edit suggestion by FE, so the Working Group will have to look closely at this part of the draft document.

The C-ALSs say that “any Framework must be based on representation, participation and operations and it must be left to the specific communities of interest to decide which combinations of these best suit their particular needs.”

3) Views Regarding the Possible Transition to a New Framework – SO–AC Impacts/Opting-In

The ccNSO agrees that “individual organizations within the ICANN structure should have the flexibility to either adopt the [WG] recommendations or develop their own procedures.” The ccNSO explains that “this would not affect the diversity at the Board or Council levels” because “different selection mechanisms determine how the ICANN Board is selected and how the Supporting Organizations (SOs) or Advisory Councils (ACs) are selected.”

The ccNSO asserts, “given the numerous combinations of factors and the absence of an appropriate ‘one-size-fits-all’ for our members, the ccNSO will almost certainly need to adopt an opt-in approach to implementing

any new geographic regions structure. The opt-out model requires ccTLDs to take action to return to the status quo, rather than take action to adopt the new system.” The ccNSO also believes “that the WG’s recommended “one-off” opportunity to opt-out would be unworkable, and prefer[s] to implement any such changes on an ongoing option to opt in to, and subsequently opt out of, the new structure.”

The ccNSO recommends, “the transition proceed on a purely voluntary, bottom-up basis. Such an approach should permit participants (for example members of the ccNSO) to opt-in to the new regional framework on a continuous basis (as opposed to the ‘once-only’ ‘opt-out’ approach identified by the WG in the Draft Final Report).”

The C-ALSs support the opt-in approach as well – “Any country or territory directly affected by the RIR reallocation should be opt-in rather than opt-out.” They state that any regional reassignment should (1) “be permitted at the beginning of the application of the new framework”, (2) “include support of the local Internet community (not just Governments)”, and (3) “allow revisions to occur in an appropriate time (not 10 years) after the framework is reviewed.”

The UK says, “every country and territory should be allowed the opportunity to determine its regional allocation at any time.” It shares the belief of other commenters that “this should be a bottom-up, self selecting procedure for each community of stakeholders.” Finally, “accordingly, the United Kingdom Government believes that ICANN should only proceed with a new geographical allocation on the basis of an explicit ‘opt-in’ basis from the stakeholders concerned.”

4) Reaction and suggestions regarding the Working Group concept of “Special Interest Groups”/“Sub Regions”

IA addresses the concept of “sub regions” noting in the English translation of its 11 October comment apparent support for sub-regions created along language, culture or ethnic lines. IA notes the development of such sub regions could provide flexibility and “will result in better work and productivity within ICANN.” The LACRALO comments appear to agree with this sentiment.

As it did in previous comments, PICISOC continues to advocate “that some recognition be given to the unique situation of the Pacific nations both geographically and institutionally.” PICISOC says, “it is difficult to define and represent the unique issues that are experienced by 22 separate countries within the Pacific region, and each at their own stage of development with regards to internet access, connectivity and use.”

PICISOC also notes that “ICANN could be more innovative about how small island states in the Pacific can get their views directly to key decision-making levels within ICANN. A special interest group was proposed earlier. But, perhaps another review is required.”

The ccNSO expresses concern about the Special Interest Group concept. The ccNSO says that while it is generally supportive of the Special Interest Group concept, “the ... creation of such groups will raise complexities (for example, their roles and responsibilities, and eligibility to participate as Regional Organizations) that require further study and review.” Finally, it says, “while the issue may be out of scope of the Geographic Regions Working Group, it should be noted that certain sections of ICANN’s By-laws, pertaining to the requirements of Regional Organizations, may need to be reviewed.”

The C-ALSs say, “any defined Special Interest Group must be given appropriate legitimacy by offering tangible ICANN representation.”

5) Impact of a New Framework - How the new RIR Model Could Impact Specific Countries or Territories – Sovereignty and the Right of Self Determination

The ccNSO asserts, “As stated at paragraph 52 of the report, ICANN should not become involved in the differing relationships between territories and mother countries.” It notes that, “with respect to the ccNSO, the option to select the new geographic regions set-up should be made by the ccTLD operator, the territorial government, the mother-country government, and/or some combination of those stakeholders.” The ALAC and LACRALO observe that the term “Mother Countries” is taken as offensive by some countries in the region and should not be used in the document. If the term is used, LACRALO says it should be used with quotation signs.

IA’s comments provide an example of the ccNSO’s concerns. In its 11 October submission (translated from Spanish into English by ICANN translators), IA notes a reference on page 24 - Appendix B of the draft report to the Falkland Islands and requests that the Working Group not consider the *Malvinas*, *Georgias del Sur* and *Sandwich del Sur* Islands as territories or states separate from the Republic of Argentina.

IA states, “the ccTLD .fk, allocated to the alleged authorities of the *Malvinas* Islands, as well as .gs - granted to the *Georgias del Sur* and *Sandwich del Sur* - are an integral part of the national territory of the Republic of Argentina” and expresses concern that the draft report “indicates they are separate from the Republic of Argentina.”

IA also notes that “the Argentine Foreign Office sent a letter to ICANN’s President and CEO, requesting that he should deem NIC Argentina as the only delegated and authoritative agency for the .ar domain, in charge of authorizing domain name registries within the territory of the Republic of Argentina, inclusive of those domiciled in the *Malvinas*, *Georgias del Sur* and *Sandwich del Sur* Islands.”

In its 13 December comments, IA speaks more specifically to its position regarding sovereignty issues involving the Malvinas/Falkland Islands. IA indicates a clear concern about the sovereignty concept in Para 50 of the draft Final Report. IA asserts that ICANN should be aware of the dispute and avoid the appearance of making any “political statement” on the matter. The ALAC also notes more generally that ICANN should not put itself in the position of “taking the responsibility of deciding matters of sovereignty.”

The UK observes that if ICANN intends to consider implementing the changes recommended in the draft report, “the UK Government accordingly would consult the administrations of its overseas territories for their views on re-allocation.” The UK says, “it is expected that the administrations would in turn consult stakeholders in the local Internet community (including the ccTLD registry).”

PICISOC notes that “ICANN may not be able to make too many changes to its current structure, taking into account all the different wants and needs of various countries and attempting to make the best decisions, being fair to all.” While PICISOC “acknowledges the benefits of sitting alongside its Asian colleagues on APRALO, and enhancing the diversity that is brought to decision-making at the regional level”, it notes that “membership of APRALO is via a difficult process” which is a “barrier to participation of the wider Pacific group especially if they do not have an ALS.”

The C-ALSs state that “the Caribbean is negatively impacted” because it is “divided” by the Working Group recommendations. The C-ALSs say that the Caribbean “should be given the option to collectively stay in the LAC Region or be reallocated to another region.” They also assert, “any Caribbean country or territory should be able to apply to change the region to which their country and territory would be classified under the RIR

system.”

6) Specific edits that commenters noted in the draft document

A number of commenters suggested specific edits to the draft Final Report document. Rather than detail the individual suggested edits, those suggestions are captured in the initial issue tracking checklist accompanying this report (see <http://www.icann.org/en/public-comment/issue-tracking-checklist-geo-regions-08feb12-en.pdf>).