



# ICANN GEOGRAPHICAL REGIONS

***Interim Report by the Geographic Regions  
Review Working Group  
For Consideration by the ICANN Community***

**November 2010**

**(Community Comments Requested by 30 January 2011)**

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## Executive Summary

1. In this Interim Report, the second of three planned reports, the Working Group attempts to build on the foundation of its Initial Report and assess the degree to which the uses of ICANN’s Geographic Regions (as currently defined, or at all) continue to meet the requirements of the relevant stakeholders.
2. This document begins to focus on General Principles, Specific Considerations and some of the critical issues (“Matters”) that it will address in its Final Report document. This document addresses three specific areas. It offers (1) a review of the underlying history, objectives and general principles of ICANN’s Geographic Regions Framework; (2) it raises a number of fundamental strategic questions for further community consideration; and (3) it expands on a number of specific matters identified in the Initial Report that are likely to be addressed in the Final Report.
3. The community is invited to submit comments regarding the contents of this document by 30 January 2011 at the latest.

## Introduction

### Background

4. The ICANN Bylaws provide that a core value of the organization is “Seeking and supporting broad, informed participation reflecting the functional, **geographic**, and cultural diversity of the Internet at all levels of policy development and decision-making.” See ICANN ByLaws - [Article 1, Section 2, paragraph 4](#).
5. The ICANN Geographical Regions were originally created as a means of obtaining geographical diversity in the composition of the ICANN Board. By an ICANN Board resolution in 2000<sup>1</sup>, Staff was instructed to assign countries to geographic regions on the basis of the United Nations Statistics Division’s (UNSD) current classifications<sup>2</sup>. It also introduced the concept of “citizenship” in relation to the use of ICANN Geographic Regions.
6. Subsequently, the ICANN Geographic Regions framework was applied in various ways when defining the organizational structures for the ALAC, GNSO, and ccNSO.

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<sup>1</sup> [www.icann.org/en/minutes/minutes-16jul00.htm](http://www.icann.org/en/minutes/minutes-16jul00.htm)

<sup>2</sup> <http://unstats.un.org/unsd/methods/m49/m49regin.htm>

## WGGR – Interim Report

7. Currently the ICANN Bylaws define five geographic regions<sup>3</sup>:
  - Africa;
  - North America;
  - Latin America/Caribbean;
  - Asia/Australia/Pacific; and
  - Europe.

### Forming the Working Group:

8. In a September 2007 Report to the ICANN Board<sup>4</sup>, the ccNSO highlighted a number of concerns about the current definition and use of Geographic Regions and recommended the appointment of a community-wide working group to study these issues. At its meeting in Los Angeles, November 2007<sup>5</sup>, the ICANN Board requested the ICANN Community, including the GNSO, ccNSO, ASO, GAC, and ALAC, to provide ICANN Staff with input on the ccNSO's recommendation, i.e. to 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.
9. Following input and support from the GNSO, ALAC, and GAC, the ICANN Board at its meeting in Cairo (November 2008)<sup>6</sup>, authorized the formation of the proposed working group. The Board subsequently approved the Working Group's Charter on 26 June 2009.<sup>7</sup>

### The Initial Report:

10. The Charter authorized by the Board outlined a three-part process in which the working group first prepared an Initial Report outlining the current applications of ICANN's geographic regions in various ICANN structures and processes and confirming the issues to be addressed by the working group during its deliberations. That Initial Report was published in all six official UN languages

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<sup>3</sup> [www.icann.org/en/general/bylaws.htm#VI-5](http://www.icann.org/en/general/bylaws.htm#VI-5)

<sup>4</sup> <http://ccnso.icann.org/workinggroups/ccnso-final-report-regions-wg-240907.pdf>

<sup>5</sup> [www.icann.org/en/minutes/resolutions-02nov07.htm#\\_Toc55609368](http://www.icann.org/en/minutes/resolutions-02nov07.htm#_Toc55609368)

<sup>6</sup> [www.icann.org/en/minutes/resolutions-07nov08.htm#\\_Toc87682556](http://www.icann.org/en/minutes/resolutions-07nov08.htm#_Toc87682556)

<sup>7</sup> Copies of the Charter, in all six UN languages, are posted in the Public Comment Forum Box on the ICANN Public Comments web page (see - <http://www.icann.org/en/public-comment/public-comment-200909.html#geo-regions-review>).

on 31 July 2009 and was made available for community review and comment for a 35-day public comment period.

11. In that Initial Report the Working Group identified the various applications and functions to which “ICANN Geographic Regions” are currently applied by existing ICANN structures. It briefly documented other regionally identified processes and structures used within ICANN but not defined in the Bylaws. In the report the Working Group also detailed, without any comment or analysis, the “issues” that it thought should be covered during its subsequent investigations.
12. The report included three specific questions on which the Working Group wanted feedback from the community. First, despite its thorough research, the WG was particularly concerned that it may have missed specific uses or applications of the geographic regions framework in ICANN’s organizational structures. The WG asked the community to identify any applications that it may have missed. The WG also asked the community to confirm that the scope of its work should be limited to those uses and applications and not be drawn into some of the specific operational applications to which geographic considerations are currently used by ICANN Staff.
13. Second, the WG asked whether the “Usage Categories” it had identified were sufficient and appropriate? The Initial report identified Representation, Participation and Operations as the three primary “usage categories” for which geographic regions are currently being utilized within the ICANN community. Those categories are an important component of the WG’s analytical framework.
14. Finally, the Initial Report set forth a list of 25 potential “Matters To Be Taken Into Consideration” and asked for community feedback on whether any issues should be deleted or others added to the list.
15. The Comment period for the Initial Report was closed on 4 September 2009. Only one comment was submitted in the forum. That comment, from Abdulaziz H. Al-Zoman, Ph.D., made the case for adding an Arabic region to the ICANN Geographic Regions framework, but did not address any of the other questions raised by the WG.

### **Scope of Interim Report:**

16. This Interim Report builds on the foundation of the Working Group’s Initial Report and begins to focus on General Principles, Specific Considerations and some of the critical issues (“Matters”) that it will address in its Final Report document. This document addresses three specific areas. It offers (a) a

review of the underlying history, objectives and general principles of ICANN's Geographic Regions Framework; (b) it raises a number of fundamental strategic questions for further community consideration; and (c) it expands on a number of specific matters identified in the Initial Report that are likely to be addressed in the Final Report.

a) Reviewing the Underlying Objectives of ICANN Geographic Regions – Section A:

In its Initial Report, the Working Group detailed HOW Geographic Regions (as defined in the Bylaws) are used throughout ICANN. It did not address, however, the more fundamental question of WHY Geographic Regions are used. The Working Group believes those underlying objectives must be understood before we can properly assess whether they are currently being met. To do so, we must examine ICANN's history and Section A first reviews the evolution of the Geographic Regions framework.

b) Raising Fundamental Questions and Confirming General Principles – Section B:

In this brief section, the Working Group directly addresses a number of the fundamental questions, principles and considerations that helped contribute to the underlying objectives of the current geographic regions framework and establishes some general parameters for addressing them in a coherent manner. For the first time, this section also proposes some hypothetical questions that the Working Group would like to consider discussing or including in its Final Report.

c) Identifying Issues on Which to Develop Specific Recommendations – Section C:

The Working Group set out a list of 25 “Matters” in its Initial Report that it thought should be covered during its subsequent investigations.<sup>8</sup> Unlike the Initial Report, this Interim Report identifies and explores specific issues and challenges that members of the community associate with the current Geographic Regions and identifies potential ways to address them. This document does not recommend specific solutions to any of those matters. If any, those will be addressed in the Final Report.

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<sup>8</sup> As described in the Initial Report, “issues” may be thought of as matters which, if not considered in subsequent reports, might subsequently generate comments such as “Why didn't you take ‘xyz’ into account?” from the Internet community.

**A. Reviewing the Underlying Objectives of ICANN Geographic Regions**

17. In its Initial Report, the Working Group detailed HOW Geographic Regions (as defined in the Bylaws) are used throughout ICANN. It did not address, however, the more fundamental question of WHY Geographic Regions are used. The Working Group believes that we must understand these underlying objectives before we can properly assess whether they are currently being met. To do so, we must examine the history of ICANN’s principle of “geographic diversity” and the evolution of the Geographic Regions Framework.

**History: 1998 to 2002**

18. On 30 January 1998, the U.S. Department of Commerce issued a discussion document entitled, “A Proposal to Improve Technical Management of Internet Names and Addresses” (“the Green Paper<sup>9</sup>”). After a period of public consultation, this was followed on 5 June 1998 by a Statement of Policy (“the White Paper<sup>10</sup>”) issued by the U.S. National Telecommunications and Information Administration (“NTIA”). The following extracts from the White Paper are of interest:

*The Green Paper identified several international membership associations and organizations to designate Board members such as APNIC, ARIN, RIPE, and the Internet Architecture Board. We continue to believe that as use of the Internet expands outside the United States, it is increasingly likely that a properly open and transparent DNS management entity will have board members from around the world. Although we do not set any mandatory minimums for global representation, this policy statement is designed to identify global representativeness as an important priority.<sup>11</sup>*

....

*As outlined in appropriate organizational documents, (Charter, Bylaws, etc.) the new corporation should:*

*2) direct the Interim Board to establish a system for electing a Board of Directors for the new corporation that insures that the new corporation’s Board of Directors reflects the geographical and functional diversity of the Internet, and is sufficiently flexible to permit evolution to reflect changes in the constituency of Internet stakeholders. ...<sup>12</sup>*

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<sup>9</sup> [www.ntia.doc.gov/ntiahome/domainname/dnsdrft.htm](http://www.ntia.doc.gov/ntiahome/domainname/dnsdrft.htm)

<sup>10</sup> [www.icann.org/en/general/white-paper-05jun98.htm](http://www.icann.org/en/general/white-paper-05jun98.htm)

<sup>11</sup> See White Paper, Background, Paragraph 5 - Response

<sup>12</sup> See White Paper, Revised Policy Statement, Structure Section

19. The first mention of Geographic Regions as such appears on 2 October 1998 in the draft Bylaws<sup>13</sup> attached to ICANN's response<sup>14</sup> to the White Paper. It states:

### **Section 6. INTERNATIONAL REPRESENTATION**

*In order to ensure broad international representation on the Board, no more than one-half (1/2) of the total number of At Large Directors serving at any given time shall be residents of any one Geographic Region, and no more than two (2) of the Directors nominated by each Supporting Organization shall be residents of any one Geographic Region. As used herein, each of the following shall be a "Geographic Region": Europe; Asia/Australia/Pacific; Latin America/Caribbean Islands; Africa; North America. The specific countries included in each Geographic Region shall be determined by the Board, and this Section shall be reviewed by the Board from time to time (but at least every three years) to determine whether any change is appropriate.*

20. However, the community and the NTIA were not satisfied with this draft and on 21 November 1998<sup>15</sup>, ICANN amended Section 6 to read (changes underlined):

### **Section 6. INTERNATIONAL REPRESENTATION**

*In order to ensure broad international representation on the Board: (1) at least one citizen of a country located in each of the geographic regions listed in this Section 6 shall serve on the Board (other than the Initial Board) at all times; (2) no more than one-half (1/2) of the total number of At Large Directors serving at any given time shall be citizens of countries located in any one Geographic Region, and (3) no more than one-half (1/2) of the total number of Directors, in the aggregate, elected after nomination by the Supporting Organizations shall be citizens of countries located in any one Geographic Region. As used herein, each of the following shall be a "Geographic Region": Europe; Asia/Australia/Pacific; Latin America/Caribbean Islands; Africa; North America. The specific countries included in each Geographic Region shall be determined by the Board, and this Section shall be reviewed by the Board from time to time (but at least every three years) to determine whether any change is appropriate, taking account of the evolution of the Internet.*

21. In a 23 November 1998 letter to the NTIA<sup>16</sup>, ICANN explained these changes as follows:

### **Geographic Diversity**

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<sup>13</sup> [www.ntia.doc.gov/ntiahome/domainname/proposals/icann/bylaws.htm](http://www.ntia.doc.gov/ntiahome/domainname/proposals/icann/bylaws.htm)

<sup>14</sup> [www.ntia.doc.gov/ntiahome/domainname/proposals/icann/letter.htm](http://www.ntia.doc.gov/ntiahome/domainname/proposals/icann/letter.htm)

<sup>15</sup> [www.icann.org/en/general/archive-bylaws/bylaws-23nov98.htm](http://www.icann.org/en/general/archive-bylaws/bylaws-23nov98.htm)

<sup>16</sup> [www.icann.org/en/announcements/letter-pr23nov98.htm](http://www.icann.org/en/announcements/letter-pr23nov98.htm)

*We have tried to ensure that the larger, permanent Board will be even more geographically diverse than is the Initial Board. .... Nonetheless, given the continued expressions of concern on this subject, we have revised the bylaws to further guarantee geographic diversity in two respects: by requiring the permanent Board have at least one representative from each geographic region, and by requiring that no more than half of the directors elected by the Supporting Organizations in the aggregate shall be citizens of any single geographic region. The Advisory Committee on Membership will thus be required to take account of these provisions in its recommendations relating to election procedures and policies.*

*In addition, we have made some minor changes to the specifics of some other bylaws, including .... the addition of language making it clear that any consideration of changes in the countries included in geographic regions or other matters relating to geographic diversity will take into account the evolution of the Internet.*

22. Between November 1998 and December 2002, there were a number of other relatively minor changes to the Bylaws relating to geographic diversity but these were primarily related to the election of At Large Board Members and representatives on the Names Council. As these procedures were changed as a result of the 2002 Evolution and Reform Process, there is little point in examining them further.

### **History: 2002 to 2009**

23. In December 2002, ICANN published new Bylaws<sup>17</sup> following completion of the 2002 Evolution and Reform Process. For the first time, the ICANN Bylaws included a statement of ICANN's core values. Of particular relevance to this report is the fourth core value which states:

*Seeking and supporting broad, informed participation reflecting the functional, geographic, and cultural diversity of the Internet at all levels of policy development and decision-making.*<sup>18</sup>

24. To reflect the new method for appointing the ICANN Board, the following paragraphs were added to Article VI Section 2 of the Bylaws:

*2. In carrying out its responsibilities to fill Seats 1 through 8, the Nominating Committee shall seek to ensure that the ICANN Board is composed of members who in the aggregate display diversity in geography, culture, skills, experience, and perspective, by applying the criteria set forth in Section 3 of this Article. At no time shall the Nominating Committee select a Director to fill any vacancy or expired term whose selection would cause the total number of Directors (not including the*

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<sup>17</sup> [www.icann.org/en/general/archive-bylaws/bylaws-15dec02.htm](http://www.icann.org/en/general/archive-bylaws/bylaws-15dec02.htm)

<sup>18</sup> See <http://www.icann.org/en/general/bylaws.htm#l>

*President) who are citizens of countries in any one Geographic Region (as defined in Section 5 of this Article) to exceed five; and the Nominating Committee shall ensure through its selections that at all times the Board includes at least one Director who is a citizen of a country in each ICANN Geographic Region.*

*3. In carrying out their responsibilities to fill Seats 9 through 14, the Supporting Organizations shall seek to ensure that the ICANN Board is composed of members that in the aggregate display diversity in geography, culture, skills, experience, and perspective, by applying the criteria set forth in Section 3 of this Article. At any given time, no two Directors selected by a Supporting Organization shall be citizens of the same country or of countries located in the same Geographic Region.*

25. The section on International Representation, which had been Section 6 and was now Section 5 of Article VI, was amended as shown below (insertions underlined, deletions ~~struck through~~):

### Section 6-5. INTERNATIONAL REPRESENTATION

In order to ensure broad international representation on the Board: (1) at least one citizen The selection of a country located in each of the geographic regions listed in this Section 6 shall serve on the Board (other than the Initial Board) at all times; (2) no more than one-half (1/2) of the total number of At Large Directors serving at any given time shall be citizens of countries located in any one Geographic Region, and (3) no more than one-half (1/2) of the total number of Directors, in the aggregate, elected after nomination by the Nominating Committee and each Supporting Organizations Organization shall comply with all applicable diversity provisions of these Bylaws or of any Memorandum of Understanding referred to in these Bylaws concerning the Supporting Organization. One intent of these diversity provisions is to ensure that at all times each Geographic Region shall have at least one Director, and at all times no region shall be citizens of countries located in any one Geographic Region. have more than five Directors on the Board (not including the President). As used herein in these Bylaws, each of the following shall is considered to be a "Geographic Region": Europe; Asia/Australia/Pacific; Latin America/Caribbean Islands islands; Africa; and North America. The specific countries included in each Geographic Region shall be determined by the Board, and this Section shall be reviewed by the Board from time to time (but at least every three years) to determine whether any change is appropriate, taking account of the evolution of the Internet.

26. For the first time, the December 2002 Bylaws also made reference to Geographic Regions in connection with the structure of a current ICANN

organization other than the structure of the Board.<sup>19</sup> Article XI, Section 2, Paragraph 4 details the Bylaws covering the At-Large Advisory Committee. In summary, the bylaws referencing Regions were:

1. The At-Large Advisory Committee is to consist of:
    - a. Two members selected by each Regional At-Large Organization (RALO)
    - b. Five members appointed by NOMCOM, consisting of one citizen of a country within each of the five Geographic Regions.
  2. There is to be one RALO per Geographic Region.
  3. Each RALO shall be comprised of self-supporting At-Large structures within its Geographic Region that involves individual users and are open to participation by all (but only) users who are citizens and residents of its Geographic Region.
27. The next major amendment to the Bylaws took place in June 2003 with the addition of Article IX<sup>20</sup> governing the ccNSO. In summary, the bylaws referencing Regions were:
1. The ccNSO Council is to consist of:
    - a. Three members selected by the ccNSO members within each Geographic Region.
    - b. Three members appointed by NOMCOM,
    - c. Liaisons.
    - d. Observers.
  2. The non-voting liaisons shall include one member appointed by each ccTLD Regional Organization.
  3. Managers of ccTLDs within a Geographic Region that are members of the ccNSO are referred to as ccNSO members "within" the Geographic Region, regardless of the physical location of the ccTLD manager. In cases where

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<sup>19</sup> Previous Bylaws had briefly referenced Regions in connection with the Names Council, but that organization no longer exists.

<sup>20</sup> [www.icann.org/en/general/archive-bylaws/bylaws-26jun03.htm#IX](http://www.icann.org/en/general/archive-bylaws/bylaws-26jun03.htm#IX)

the Geographic Region of a ccNSO member is unclear, the ccTLD member should self-select according to procedures adopted by the ccNSO Council.

4. The ccNSO Council members selected by the ccNSO members from each Geographic Region shall be selected through nomination, and if necessary election, by the ccNSO members within that Geographic Region.
  5. Any ccNSO member may nominate an individual to serve as a ccNSO Council member representing the ccNSO member's Geographic Region. Nominations must be seconded by another ccNSO member from the same Geographic Region.
  6. The ccNSO Council may designate a Regional Organization for each ICANN Geographic Region, provided that the Regional Organization is open to full membership by all ccNSO members within the Geographic Region. Decisions to designate or de-designate a Regional Organization shall require a 66% vote of all of the members of the ccNSO Council and shall be subject to review according to procedures established by the Board.
28. Also in June 2003, at the ICANN Meeting in Montreal, the ICANN Board conducted a three yearly review of the Geographic Regions in accordance with Article VI, Section 5 of the Bylaws. It resolved to maintain the status quo<sup>21</sup>, stating:

Whereas, at its July 2000 meeting in Yokohama, the Board in [resolution 00.64](#)<sup>22</sup> directed the staff "to assign countries to geographic regions on the basis of the United Nations Statistics Division's current classifications of "Countries or areas, codes and abbreviations," as revised 16 February 2000, and "Composition of macro geographic (continental) regions and component geographical regions," as revised 16 February 2000," with the understanding that dependent territories be grouped together with the country of citizenship for the territory;

...

Whereas the staff has prepared and posted an [updated allocation table](#)<sup>23</sup> on the basis of the most recent (March 2003) version of the United Nations Statistics Division documents;

Resolved [03.100] that the ICANN Board reaffirms the existing definition of five geographic regions and reaffirms the existing methodology for allocating

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<sup>21</sup> [www.icann.org/en/minutes/minutes-26jun03.htm](http://www.icann.org/en/minutes/minutes-26jun03.htm)

<sup>22</sup> [www.icann.org/en/general/archive-bylaws/bylaws-02jun03.htm#VI-5](http://www.icann.org/en/general/archive-bylaws/bylaws-02jun03.htm#VI-5)

<sup>23</sup> [www.icann.org/en/meetings/montreal/geo-regions-topic.htm](http://www.icann.org/en/meetings/montreal/geo-regions-topic.htm)

specific countries and territories to particular regions, pursuant to [Article VI, Section 5, of the ICANN Bylaws](#), and

Further resolved [03.101] that the ICANN Board adopts the [allocation table posted by the staff on 5 June 2003](#).

29. No further Bylaw amendments impacted Geographic Regions until 20 March 2009 when, at the instigation of the NOMCOM, Article 6 (Board of Directors) Section 2 Paragraphs 2 and 3<sup>24</sup> were amended as follows (insertions underlined, deletions ~~struck through~~):

2. *In carrying out its responsibilities to fill Seats 1 through 8, the Nominating Committee shall seek to ensure that the ICANN Board is composed of members who in the aggregate display diversity in geography, culture, skills, experience, and perspective, by applying the criteria set forth in Section 3 of this Article. At no time when it makes its selection shall the Nominating Committee select a Director to fill any vacancy or expired term whose selection would cause the total number of Directors (not including the President) ~~who are citizens of~~ from countries in any one Geographic Region (as defined in Section 5 of this Article) to exceed five; and the Nominating Committee shall ensure ~~through~~ when it makes its selections that ~~at all times~~ the Board includes at least one Director ~~who is a citizen of~~ from a country in each ICANN Geographic Region (“Diversity Calculation”).*

*For purposes of this sub-section 2 of Article VI, Section 2 of the ICANN Bylaws, if any candidate for director maintains citizenship of more than one country, or has been domiciled for more than five years in a country of which the candidate does not maintain citizenship (“Domicile”), that candidate may be deemed to be from either country and must select in his/her Statement of Interest the country of citizenship or Domicile that he/she wants the Nominating Committee to use for Diversity Calculation purposes. For purposes of this sub- section 2 of Article VI, Section 2 of the ICANN Bylaws, a person can only have one “Domicile,” which shall be determined by where the candidate has a permanent residence and place of habitation.*

3. *In carrying out their responsibilities to fill Seats 9 through 14, the Supporting Organizations shall seek to ensure that the ICANN Board is composed of members that in the aggregate display diversity in geography, culture, skills, experience, and perspective, by applying the criteria set forth in Section 3 of this Article. At any given time, no two Directors selected by a Supporting Organization shall be citizens of from the same country or of countries located in the same Geographic Region.*

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<sup>24</sup> [www.icann.org/en/general/archive-bylaws/bylaws-20mar09.htm#VI](http://www.icann.org/en/general/archive-bylaws/bylaws-20mar09.htm#VI)

For purposes of this sub-section 3 of Article VI, Section 2 of the ICANN Bylaws, if any candidate for director maintains citizenship of more than one country, or has been domiciled for more than five years in a country of which the candidate does not maintain citizenship (“Domicile”), that candidate may be deemed to be from either country and must select in his/her Statement of Interest the country of citizenship or Domicile that he/she wants the Supporting Organization to use for selection purposes. For purposes of this sub-section 3 of Article VI, Section 2 of the ICANN Bylaws, a person can only have one “Domicile,” which shall be determined by where the candidate has a permanent residence and place of habitation.

30. Lastly, on 27 August 2009, the Bylaws were amended to reflect the new organization of the GNSO. Article X Section 3 (GNSO Council) paragraphs 1 and 3<sup>25</sup> were changed to include the following references to Geographic Regions or diversity:

1. ....

*Stakeholder Groups should, in their charters, ensure their representation on the GNSO Council is as diverse as possible and practicable, including considerations of geography, GNSO Constituency, sector, ability and gender.*

2. ...

3. *Except in a “special circumstance,” such as, but not limited to, meeting geographic or other diversity requirements defined in the Stakeholder Group charters, where no alternative representative is available to serve, no Council member may be selected to serve more than two consecutive terms, in such a special circumstance a Council member may serve one additional term....*

### History: Today

31. Recognizing all the changes in the Geographic Region framework in the past decade, Working Group members were interested to determine how existing ICANN community members perceived the application and value of the framework in its current state. Working Group members developed a brief survey to help give them a better picture of the level of community understanding and awareness of the Geographic Regions Framework and the impact it has on operations and policy work in various ICANN organizations and regions.
32. The survey was open for a total of nearly ten weeks from 4 May 2010 through

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<sup>25</sup> [www.icann.org/en/general/archive-bylaws/bylaws-27aug09.htm#X](http://www.icann.org/en/general/archive-bylaws/bylaws-27aug09.htm#X)

10 June 2010 and then for the period immediately before, during and after the ICANN Public Meeting (ICANN No. 38) in Brussels Belgium. A total of 35 community members responded to the survey and the overwhelming majority of respondents were from the At-Large community.<sup>26</sup> Those who did respond were quite thoughtful, but given the small sampling, the results are only useful for anecdotal information.

33. In general the survey responses confirmed that in ICANN communities who apply it the Geographic Regions Framework is a useful tool for helping community members make connections and build relationships with regional partners and with individuals who share common culture, values and experience. This is particularly true of the At-Large community's application of the Regional At Large Organization (RALO) structure which mirrors the ICANN Geographic Regions Framework.
34. New entrants to the ICANN community are aware of the concept of geographic diversity and seem to support it in principle even though they may not know how it is specifically applied in the ICANN concept. ICANN community veterans are very aware of the system and see it as useful, but they also note areas for improvement. Several respondents expressed a desire for either a new Arab Geographic region or a geographic regional category devoted to small island nations. Recognizing the many faces of diversity, one respondent even noted the interesting idea of allowing community members to choose how they would like to be classified for diversity purposes (e.g., by language, geography, legal status (profit or non-profit) or technological expertise).

### Discussion and Deductions

35. From the above discussions, we can generally conclude that:
  - a. Geographic Regions were first defined as an aid to ensuring “broad international representation” on the ICANN Board. Initially they had no other purpose.
  - b. It was expected by the U.S. Department of Commerce/NTIA and other stakeholders that the make-up of the ICANN Board should “reflect the geographical and functional diversity of the Internet”. As they anticipated that the Internet would change over time, they believed that the procedures for appointing Board Members should be “sufficiently flexible to permit evolution to reflect changes in the constituency of Internet stakeholders”. Feelings on this issue were sufficiently strong that ICANN felt bound to

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<sup>26</sup> Raw statistics and a collection of respondent comments are provided in Appendix C of this document.

amend its initial Bylaws to add “language making it clear that any consideration of changes in the countries included in geographic regions or other matters relating to geographic diversity will take into account the evolution of the Internet.”

- c. The three-year review cycle of the then Section 6 of the Bylaws (International Representation) was intended to cover the Regions themselves as well as the allocation of countries to each Region.
  - d. There is nothing in the public record that explains how the Regions themselves were selected, however it is noted that both the Green and White Papers suggest that representatives of APNIC, ARIN and RIPE should be on the ICANN Board. It is therefore possible that the primary operating areas of these three RIRs were selected as the first three Regions (i.e. Asia/Australia/Pacific, North America and Europe respectively) with Latin America/Caribbean and Africa being seen as the next likely RIRs to be established.
  - e. Whatever the reason for initial (and still current) definition of ICANN Regions (i.e. Africa; North America; Latin America/Caribbean; Asia/Australia/Pacific; and Europe), it was not the adoption of any commonly recognised division of the world such as “continents”<sup>27</sup>, nor of the definition used by any other organisation that the Working Group has been able to identify. These Regions are unique to ICANN.
  - f. As a consequence of (e) above, subsequent attempts to allocate countries to Regions “in accordance with international norms”<sup>28</sup> or to adopt “some independently prepared and authoritative list”<sup>29</sup> were doomed to failure.
  - g. The Working Group was unable to find any resolution of the ICANN Board authorizing the current allocation of countries to Geographic Regions.
36. The present allocation of territories to the same region as their “mother country” could actually REDUCE geographic diversity in some scenarios (e.g. Board members from both the Cayman Islands (EU) and Jamaica (LAC) would be acceptable, yet they are neighbors in the Caribbean).

## B. Raising Fundamental Questions and Confirming General Principles

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<sup>27</sup> [http://en.wikipedia.org/wiki/Continent#Number\\_of\\_continents](http://en.wikipedia.org/wiki/Continent#Number_of_continents)

<sup>28</sup> [www.icann.org/en/committees/gac/communique-14jul00.htm#D](http://www.icann.org/en/committees/gac/communique-14jul00.htm#D)

<sup>29</sup> [www.icann.org/en/minutes/minutes-16jul00.htm](http://www.icann.org/en/minutes/minutes-16jul00.htm)

37. Understanding the historical underpinnings and evolution of ICANN's Geographic Regions Framework prompts several fundamental questions – Has the Framework produce its desired effect?; Are the five regions still relevant, reasonable and defensible in the year 2010?; Are they, in fact, consistent with the international norms of today? In this section, the Working Group poses some additional questions and even some potential answers to these questions in hopes of generating more formal community comments that will contribute additional ideas to the Working Group as it prepares its Final Report over the next several months. The Working Group hopes to raise a number of these questions and concepts at a community workshop during the ICANN Public Meeting (ICANN No. 39) in Cartagena, Columbia and looks forward to active community participation during that live in-person discussion.
38. *Does the primary use of Geographic Regions currently produce the desired broad international representation on the ICANN Board that reflects the make-up of the Internet constituency? If so, is it likely to continue to do so for the foreseeable future?*
39. The Working group was unable to locate anything in the public record that explains how the Regions themselves were selected. Both the Green and White Papers suggested that representatives of APNIC, ARIN and RIPE should be on the ICANN Board. It is therefore possible that the primary operating areas of these three RIRs were selected as the first three Regions (i.e. Asia/Australia/Pacific, North America and Europe respectively) with Latin America/Caribbean and Africa being seen as the next likely RIRs to be established. It may be that the adoption of these Regions, based upon the RIRs, was meant to provide the “functional diversity” required by the Bylaws.
40. Whatever the reason for initial (and still current) definition of ICANN Geographic Regions (i.e. Africa; North America; Latin America/Caribbean; Asia/Australia/Pacific; and Europe), it was not the adoption of any commonly recognised division of the world such as “continents”<sup>30</sup>, nor of the definition used by any other organisation that the Working Group has been able to identify. These Regions are unique to ICANN.
41. *Given the unique nature of the five ICANN Regions, was their original adoption reasonable and defensible? Are they still relevant and reasonable today?*
42. When first allocating countries to Geographic Regions in 2000, the ICANN Board expressed the view that it would be far better to adopt an authoritative, independent allocation rather than to attempt to make its own determination as

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<sup>30</sup> [http://en.wikipedia.org/wiki/Continent#Number\\_of\\_continents](http://en.wikipedia.org/wiki/Continent#Number_of_continents)

it was not qualified to do so. Staff identified the UN Statistics Division's "Composition of macro geographical (continental) regions, geographical sub-regions, and selected economic and other groupings" as a suitable list. It should be noted that the Working Group has so far been unable to identify any alternative, authoritative allocation of all countries of the world to regions.

43. Unfortunately, the pre-defined ICANN Regions do not match the regions in UN Statistic's table. In addition, ICANN did not like the way that the UN allocated territories that are not autonomous countries. As a result of changes made to accommodate these two problems, 40% of countries are in a different ICANN Region from the one allocated by UN Statistics.
44. *Is ICANN using an authoritative, independent list to allocate countries to its Regions, or has it created its own list? If it has created its own list, are the allocations still relevant, reasonable and defensible? Are ICANN's current Geographical Regions consistent with international norms? Are there other structures equally or more consistent with international norms?*
45. The GAC advised the ICANN Board that when allocating countries to regions "ICANN should make reference to existing international norms for regional distribution of countries." It has been generally assumed that the intent was to recommend that ICANN adopt an authoritative, independent allocation of countries to regions that was internationally accepted. As we have noted above, the only internationally accepted list that the WG can identify is the one produced by the UN Statistics Division. It has been created only to assist with economic and statistical reporting. It is not used by any international body to define its organizational structure or electoral constituencies. Indeed, within the United Nations and its subordinate organizations there are many different regional structures.
46. For example, the United Nations Development Programme (UNDP) uses:
  - Africa,
  - the Arab States,
  - Asia and the Pacific,
  - Europe and the Commonwealth of Independent States, and
  - Latin America and the Caribbean.
47. The UN Economic and Social Council uses:
  - Africa,
  - Europe,
  - Latin America & the Caribbean,
  - Asia & the Pacific, and
  - Western Asia.

48. The International Telecommunications Union (ITU) has adopted different regional structures for different parts of its organization;
49. The ITU Council uses:
  - America,
  - Western Europe,
  - Eastern Europe and Northern Asia,
  - Africa, and
  - Asia and Australia.
50. The ITU Telecommunications Development Bureau (BDT) uses:
  - Africa,
  - Asia & the Pacific,
  - Arab States,
  - Europe,
  - the Americas, and
  - the Commonwealth of Independent States.
51. The ITU Telecommunications Bureau (BR) uses:
  - Africa
  - Americas
  - Asia
  - Europe and
  - Others
52. Finally, the ITU Radiocommunications Bureau (BR) divides the world into Zones 1 (Europe and Africa), 2 (The Americas) and 3 (Australasia).
53. In addition, within such UN organizations, it is common practice for countries to form ad hoc groups to deal with matters of mutual interest. These may be formal and long term, such as the Nonaligned Nations or the Commonwealth of Nations. Others are informal and short term to deal with a particular issue and terminating as soon as it is resolved.
54. *Do the present ICANN Geographic Regions, and their use, enhance or detract from ICANN goal of reflecting the functional, geographic, and cultural diversity of the Internet at all levels of policy development and decision-making? What changes, if any, could be made to better reflect the cultural diversity of the Internet?*

55. In 2002, ICANN added its Core Values to its Bylaws and these included the concept of “cultural diversity” in addition to “geographic diversity”, however it is not clear that any specific changes were made to existing procedures to ensure the implementation of this new requirement. In particular, no changes were made to the definitions of Geographic Regions, the allocation of countries to those regions, or uses to which they were put. It is arguable that in some cases, particularly the allocation of territories to the region of their parent country, they detract from rather than enhance cultural diversity.
56. *Would ICANN operations benefit from a re-allocation of Geographic Regions? If such a reallocation took place what frameworks should be considered - the current RIR system or some other modification to the existing system? How would such changes affect existing SO and/or AC operations?*
57. *Rather than a single organizational model, would different SO-AC communities benefit if they were permitted to employ their own geographic diversity methodologies tailored to the specific needs of their own communities – with some oversight or review by the Board to assure adherence to the bylaws principles?*
58. *How would any of these potential changes impact individual SO-AC operations? Would there be impacts to the ICANN budget or staffing resources?*
59. *What impacts, if any could the recent Affirmation of Commitments have on ICANN’s Geographic Regions Framework?*<sup>31</sup>
60. These types of questions are critical to any future recommendations that might be made by the Working Group in its Final Report. Further community comments or observation prompted by these questions are most welcome.

### **C. Identifying Issues On Which To Develop Specific Recommendations**

61. The Initial Report presented a list of 25 “Matters to be taken into Consideration” by the Working Group as part of its review efforts (the full list is provided in table form in Annex B). The list of potential issues (or problems) was gleaned from a wide variety of sources including the original ccNSO Regions Report, a Response to the Board listing a set of overarching principles produced by the GNSO, face-to-face discussions at ICANN meetings and responses to earlier

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<sup>31</sup> See <http://www.icann.org/en/reviews/affirmation/responsibilities/>

public consultations, etc. Those “matters” reflected the formal and informal views of a wide range of stakeholders, including the Working Group itself, and some appeared to be contradictory - a reflection of the complexity and sensitivity of the issues involved.

62. In the Initial Report the matters were grouped into three topic areas; (1) General Principles, (2) Allocation of Countries to Regions, and (3) Number of Regions. In this report the WG makes an effort to “flesh-out” the list and to determine whether to consider making specific recommendations on any of the matters presented. In order to analyze its present and potential future implications for application of the geographic regions framework, this section of the Interim Report addresses each “matter” as it has been raised by the community and touches on potential options or impacts that could address the matter. Where appropriate, matters with common elements have been combined for more organized discussion.

### **General Principles Regarding the Application of Geographic Diversity:**

#### Matter No. 1

Quote/Issue: “ICANN should make reference to existing international norms for regional distribution of countries.”

Source: GAC Advice to the Board (July 2000)

63. *Discussion:* In 2000, the ICANN Board directed Staff to assign countries to geographic regions on the basis of the United Nations Statistics Division’s (UNSD) current classifications. The ccNSO report to the Board noted that the five ICANN regions are significantly different from those defined by the UN Statistics Office. Furthermore, as noted in Section A above, over time any connection to the UNSD classifications has eroded as the concept of geographic diversity has been expanded beyond application to the Board to include other structures within the ICANN community.
64. The evolution of the geographic regions concept to more communities and structures over the past decade appears to have been largely on a community-by-community basis and has not been driven by a consistent application of the geographic regions framework.<sup>32</sup>
65. ICANN Staff does not appear to have ever formally reviewed the UNSD’s classifications to determine if they have been revised in the last decade nor has

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<sup>32</sup> See Section A above.

the organization ever formally acknowledged the evolving community-by-community approach to geographic diversity over the past decade.

66. Options and Impacts: The “international norms” of 2010 may be different or have evolved from the international norms of 2000. The WG does not believe that the ad hoc nature of expanding the geographic regions structure beyond the Board to other structures and communities over the past decade warrants abandoning the flexible application approach. In fact, that approach seems to have been effective in many instances and could be argued to reflect the evolution of “international norms” over time.
67. The expanded application of the geographic regions framework in this manner must either be formally acknowledged and embraced by the community or abandoned as inconsistent with the original intent of the Board. Intentional or not, by its very actions ICANN appears to have determined over the past decade that the UNSD classifications are no longer appropriate or applicable on a consistent basis. That fact needs to be acknowledged and the flexible approach that has been adopted on a case-by-case basis over the past decade must itself be affirmed.
68. The impact of affirming the community-by-community evolution that has occurred over the last decade would likely be minimal on all the communities who are currently subject to those individual standards. If this approach were affirmed, then those individual communities could assess the application of international norms on their own communities in the various unique ways that they are impacted by them.
69. Alternatively, abandoning the community-by-community approach and returning to a consistent organizational process does not need to be groundbreaking. But adoption of such an approach would require re-evaluation of the USND classifications for their applicability to ICANN in 2010. If they were found wanting, then alternative categorization or classification models could be investigated and considered.

### Matters No. 2 & No. 3 - Representing Needs and Concerns of Regions

Quote/Issue: “ICANN regions should take into consideration the varying needs and concerns of different regions.” And, “ICANN regions and selections based upon them should provide the opportunity for those needs and concerns to be represented.”

Source: GNSO Principle on Relevance of Regions (August 2008)

70. Discussion: It is clear that each geographic region is likely to have its own

unique characteristics, challenges, or needs depending on the community that is impacted by a particular issue. For example, in the case of the GNSO, the current structure of the community can potentially result in smaller pools of qualified or interested volunteer candidates from various geographic regions. This can lead to under-representation of particular perspectives or points of view. For example, the number of gTLD registries are not evenly distributed geographically across all five of the ICANN regions.

71. The GNSO has recently addressed this reality in amendments to Article X of the ICANN Bylaws. The revised Bylaws (adopted by the Board in August 2009) state at Article X Section 3(1) that “Stakeholder Groups should, in their charters, ensure their representation on the GNSO Council is as diverse as possible and practicable, including considerations of geography, GNSO Constituency, sector, ability and gender.”
72. Options and Impacts: The geographic regions framework should not be so inflexible as to force certain communities to prevail upon unwilling or under-qualified participants to satisfy the regional participation requirement. At the same time the Board could conclude that strict adherence to certain standards might be the best way to force participation and build-up regional competence or participation in certain areas.

### Matter No. 4 – Application and Evaluation of Geographic Diversity in a Wider Context

Quote/Issue: “The makeup of ICANN's regions should be considered in the wider context of the geographical region requirements imposed on all ICANN bodies.”

Source: GNSO Principle on Relevance of Regions (August 2008)

73. Discussion: In its Initial Report, this Working Group noted that the original concept of geographic/regional diversity in the representational make-up of the ICANN Board has been expanded over the years to extend to nearly every sub-structure of the ICANN organization. From an operational perspective, that concept now reflects not only diversity of representation but also includes considerations of how community participation is encouraged and affects the management of the organization’s technical and administrative resources as well.
74. The GNSO principle articulated in Matter No. 4 recognizes these broader applications and suggests to the Working Group the need to consider how a single framework can be honored consistently across and throughout the organization.

75. Options and Impacts: Considering the geographic regions framework in a wider context could result in more flexible application of a set of consistent broad principles by individual communities. Experience over the last decade has shown that individual communities are in the best position to craft unique operational solutions that honor the central goal of geographic diversity within ICANN operations.
76. As noted in Section A above, the application of ICANN’s geographic diversity principles have evolved over the past 10 years on a community-by-community basis as individual communities have been formed, grown or evolved. These developments have taken place individually without an apparent comprehensive consideration for each step by the organization as a whole. If it is agreed that the results stemming from this evolution has been effective in some ways, then this case-by-case approach should be acknowledged and formalized.
77. Taking it one step farther, it could be argued that so long as mechanisms exist to provide some form of oversight of community structures and operations by the Board, the best option may be to “formalize” an approach that puts decisions for how to achieve geographic diversity in the hands of those who understand their communities best. Such an approach would allow each SO and AC to determine the best way to achieve geographic diversity in their own organization given the unique forms and structures of their community and how it operates or interacts globally.

### Matters No. 5 and No. 18 – Striving For Diversity of Representation, Ease of Participation and Simplicity

Quote/Issue: “ICANN regions should seek to balance three goals: diversity of representation, ease of participation, and simplicity.” - Source: GNSO Principle on Relevance of Regions (August 2008)

Quote/Issue: “A single set of designated regions for ICANN, as it is today, adds to simplicity but this goal should be balanced with the evolving needs of ICANN’s supporting organisations and other bodies.” -- Source: GNSO Principle on Potential Change of Regions (August 2008)

78. Discussion: The Working Group generally agrees with these goals, but recognizes that meeting them is an organizational challenge. For example, over the past decade a broader recognition of what “diversity” means has developed. Geography remains of substantial importance, but additional considerations of culture and language diversity have also been raised in the community (see also Matter Nos 8, 24 and 25 below). Should those additional elements be addressed in the context of the geographic regions framework? If

so, how? If not, how can ICANN address them?

79. Although much of ICANN business is now conducted using remote participation tools (e.g., telephone conferences, email, and Adobe Connect meeting rooms), the size of geographic regions can have a substantial impact on an individual's ability to participate in face-to-face community meetings. Individuals from some jurisdictions can face unrealistic travel requirements if their region is particularly large. Ironically, the more remote participation is emphasized, the more important these face-to-face interactions can become. The simple ability of some community members to participate at in-person meetings can be dependent on geography. Comments submitted by participants in the Working Group Survey reinforced this interest in regional face-to-face meetings to network and forge new relationships.
80. Options and Impacts: The fundamental task of this Working Group is a review of the geographic regions framework. In that context, the potential exists for a more fundamental consideration of cultural and language elements as related definitional elements of geographic diversity. The Working Group is prepared to consider these elements noting that such approach suggests a more fundamental consideration of ICANN's geographic region framework than may have been originally contemplated. While separate frameworks for different communities or classification of region (e.g., geographic, culture or language) is a possibility, the Working Group cautions that separate frameworks might prove to be confusing and unmanageable from an organizational perspective.

### Matters No. 6 & 7 – The Evolving Needs of Regions and Future Users

Quote/Issue: Quote/Issue: "ICANN regions should be reviewed with appropriate regularity: to that end ICANN should have in place means to understand the evolving needs and concerns of different regions." And, "ICANN regions should enfranchise both existing and future users."

Source: GNSO Principle on Relevance of Regions (August 2008)

81. Discussion: As the ICANN organization embarks on its next phase of existence, it should remain cognizant that community members who are not currently participating may be just as important to the health and diversity of the organization as those who are currently active and participating. The current regional framework is based on a ten-year-old snapshot of the Internet that does not reflect current reality. Moreover, underrepresented regions or communities who currently are not aware of the importance of ICANN to their work must have a place in the framework
82. Options and Impacts: The current framework cannot be expected to anticipate

potential communities or participants who are not yet known or may not yet exist, but it must be flexible enough to accommodate them when they do form or arrive at ICANN’s doorstep. It is unrealistic to revise the current framework to reflect future developments in the Internet, but the framework should at the least be updated to reflect current realities. This means that the framework will always be behind the curve.

83. From a practical standpoint, the current three-year review cycle seems to be too short and a five-year period would be more appropriate. Future adherence to a five-year review cycle should be part of the Board’s ongoing/regular agenda that is tracked and monitored by the ICANN Staff.

### Matter No. 8 – Diversity Must Be A Goal “At All Levels”

Quote/Issue: “In performing its mission, the following core values should guide the decisions and actions of ICANN: ... 4. Seeking and supporting broad, informed participation reflecting the functional, geographic, and cultural diversity of the Internet at all levels of policy development and decision-making.”

Source: Article 1, Section 2, paragraph 4 of ICANN Bylaws

84. Discussion: Bylaws Article 1, Section 2 captures the fundamental values that the geographic framework should look to serve. Article 1, Section 2 expressly calls for geographic diversity at “all levels” of policy development and decision-making. The Working Group’s analysis to date suggests that the ICANN community has done a good job of incorporating those values into its various communities - if not as part of a clearly delineated strategy, at least in spirit on a community-by-community basis.
85. A critical phrase in Article 1 Section 2 is “informed participation.” The Bylaw contemplates participation that is of a higher quality than mere attendance at meetings and discussions. It suggests a measure of responsibility and experience that is not currently quantified. It is doubtful that any modifications to the geographic region framework itself can address that issue.
86. Options and Impacts: Because the Bylaw separately depicts “functional”, “geographic” and “cultural” diversity, one could argue that each category could have its own operational principles, framework or system. The working group does not think honoring the spirit of Article 1 Section 2 requires such comprehensive action, but the Final Report could consider whether such an approach is worth further/future consideration.

### Matter No. 9 – Recommendations Must Reflect Sensitivity and Broad Consensus

Quote/Issue: “The issue of regions may touch on things like national sovereignty and cultural identity, and it is therefore extremely important that the issue is treated with sensitivity and that broad consensus is sought for any recommendations (to the Board).”

Source: ccNSO Report to the Board (September 2007)

87. *Discussion:* Working Group members are very conscious of the sensitivity of this issue to many members of the ICANN community. Members are aware that any changes to the framework could have widespread repercussions for operations within ICANN and its various communities.
88. The entire structure of this Working Group effort has been organized to achieve broad community input. All the individual ICANN SO’s and AC’s were given the opportunity to comment on the community-wide working group concept and each community was invited to send participants to be involved with the working group (all but the RSSAC have contributed members). The entire community had the opportunity to comment on the proposed charter of the Working Group before it was approved by the Board (see [March 2009 Geographic Region Review WG Charter Public Comment Period](#)).
89. Every written report generated by the Working Group is published in all six UN languages and subjected to community review and comment, and Working Group members individually report on the group’s progress to their respective communities. The Working Group has sponsored a community survey (in the six UN languages and Portuguese) seeking another form of community input on the geographic regions framework. Additionally, a public session was conducted at the ICANN Brussels meeting and another session has been scheduled for the upcoming ICANN meeting in Cartagena to gather community perspectives on this matter.
90. *Options and Impacts:* At minimum, recommendations offered in the Working Group’s Final Report (if any) will be subject to an on-line community comment forum. The Working Group will investigate other participation tool (webinars and public community sessions at the Cartagena and San Francisco ICANN meetings) to ensure that there are several opportunities for further community review and comment before future Board action (if any) is taken on this matter.

### Matters No. 10 and 11 - Importance of Flexible Application/Implementation

Quote/Issue: “While the present implementation of geographic diversity leaves something to be desired, the principle itself is strongly supported.” And, “Flexibility is key.”

Source: ccNSO Report to the Board (September 2007)

91. Discussion: As noted with respect to other matters listed in this Interim Report, the Working Group agrees that the principle of geographic diversity is already strongly, if not comprehensively, addressed throughout the community by individual SOs and ACs. The ccNSO statement above would appear to raise questions about the level of effectiveness by which the Board enforces or oversees the implementation of this important Bylaws principle. The Working Group agrees that from an historical perspective, the implementation of the geographic framework has not been smooth and too many changes early in its existence set the framework on a path widely divergent from the UN classification system. The Working Group has, nevertheless, been particularly impressed with the level of detail and attention various ICANN structures employ in an effort to comply with the spirit of the geographic diversity principles.
92. Options and Impacts: The Board will need to consider whether the early divergence from the original framework concept (building on the UN model) should be corrected or whether modifications to the system as it exist today is a more appropriate approach. The organization would seem to have too many systems and mechanisms built on the existing framework to justify a complete re-orientation of the system. A more reasonable approach might be to make targeted adjustments to the framework as it now exists by potentially adding regions or making minor re-assignments to reflect more practical issues that individual community members have identified.

### Matters No. 12, No. 13 and No. 14 – Maintaining Geographic Balance; Defining The Measures of An Evolving Internet

Quote/Issue: “The (ALAC) WG does not believe that it would be appropriate to make changes to the regional balance of ALAC alone without addressing the issue of regional balance for ICANN as a whole. The WG therefore encourages the ICANN Board to move quickly to undertake a review of ICANN’s regional structure with a view to creating a structure that better reflects the distribution of Internet users across the globe.” -- Source: ALAC Review WG Report

Quote/Issue: “... [T]he addition of language making it clear that any consideration of changes in the countries included in geographic regions or other matters relating to geographic diversity will take into account the evolution of the Internet.” -- Source: 23 November 1998 letter from ICANN Interim Chairman to U.S. Department of Commerce

Quote/Issue: “Balance is a key issue. The current regions are skewed, perhaps especially in regards to ccTLDs.” -- Source: ccNSO Report to the Board (September 2007)

93. Discussion: The principles shared in the ALAC Review WG Report and the ICANN Interim Chair letter directly affect the Working Group’s potential recommendations to the Board and the community. The Internet has unquestionably “evolved” in the last decade. The distribution of Internet users in 2010 is substantially different from the distribution in the year 2000.<sup>33</sup>
94. As noted above, the Asia/Pacific region has experienced substantial growth in the number of Internet users in the past decade and this should perhaps be considered in an evaluation of the “balance” of potential participants on a regional basis for existing, prospective and future members of the ICANN community.
95. Numbers of Internet users may not be the only measure of “balance” for purposes of the geographic regions framework. The balance in the number of stakeholder group members in certain communities of interest may also be a relevant measure to evaluate the effectiveness of the framework. The geographic/regional location of accredited registries and registrars or Internet Service Providers is a good example of this phenomenon. Those businesses are not, at present, evenly distributed geographically around the world.
96. Options and Impacts: To the extent that “balance” is considered to be a relevant factor in evaluating the success of the geographic regions framework, it will be important to clearly identify the measures of that balance. Using a balance measure of current Internet users, for example, would suggest the need to modify the current framework to account for Internet population growth in certain geographic regions – particularly with respect to the Asia/Pacific Region.
97. Conversely, a “user” measure of geographic region balance may not carry the same weight for contracted community members because the pools of eligible members in those communities are geographically unbalanced. For example, in the past the Registries Stakeholder Group in the GNSO has experienced challenges in meeting certain geographic diversity goals because the pool of potential community participants is limited. Compared to the Commercial or Non-commercial GNSO communities, the Registries SG can only choose among a small community of prospective applicants for GNSO Council seats. When further eligibility limitations (e.g., term limits) are added to the mix it can

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<sup>33</sup> See e.g., [http://www.worldmapper.org/animations/internet\\_users\\_animation.html](http://www.worldmapper.org/animations/internet_users_animation.html)

become quite challenging/difficult for that community to fill leadership slots consistent with the geographic diversity goals of the organization.

98. As part of its Final Report, the Working Group intends to utilize the most available and up-to-date information reflecting the distribution of Internet users around the World to ensure that any recommendations it makes are based on the most current data.

### Numbers of Regions:

#### Matter No. 16 - Sovereignty

Quote/Issue: “The allocation of countries to regions should recognise the sovereignty and right of self-determination of states.” -- Source: ccNSO Report to the Board (September 2007)

99. *Discussion:* An example of this concern is the unilateral decision by ICANN to allocate all “dependent territories” to the same region as their mother countries, irrespective of their geographical location. It would appear that this decision was taken on the assumption that legal and political relationships between territories and mother countries are the same in every case. Nothing could be further from the truth. In some cases, the natives of a dependent territory are citizens of the mother country, whilst in others they are not. Some territories are considered to be an integral part of their mother country. Others have varying degrees of self-government. The native languages or cultures of those dependent territories may diverge widely from the mother country. Additionally the issues that impact those territories may differ from the issues of primary importance to the mother country. From the perspective of ICANN’s Geographic Regions Framework, the question must be asked how to capture the diversity of culture, language and perspective of those dependent territories without impinging on the sovereign rights of the responsible state.
100. *Options and Impacts:* ICANN should not become involved in the complex and differing relationships between territories and mother countries, but neither should it impose its own unilateral decision. Rather it should allocate territories to Regions in accordance with the wishes of internet community and Government of the territory, provided no objections are raised by the Government of the mother country.

#### Matter No. 17 – Application of Citizenship Criteria

Quote/Issue: “Over the past several years, the Nominating Committee has expressed concern that being required to count more than one country of citizenship for diversity purposes often makes it difficult to select the best candidates for the

Board seats that the Nominating Committee is mandated to fill. Some candidates have often lived in a country for many years, and thereby better represent the interests of that country than any country of which the candidates may be citizens. In the proposal, domicile, not just citizenship, is to be considered in the diversity calculation.”

Source: Introduction to current NOMCOM proposal to amend ICANN Bylaws on Geographic Diversity

101. Discussion: The initial geographic diversity rules were developed on the basis of the citizenship of individual Board members. The domicile of individuals has now been added. In expanding the diversity criteria to other uses by SOs and ACs, the basis has moved from individuals to countries. Countries do not have citizenship or domicile and as a result, some of the rules no longer make legal sense.
102. Any detailed review of the Bylaws concerning geographic regions and diversity should seek to remove these anomalies.

### Matter No. 19 - Number of Regions

Quote/Issue: “There should be nothing sacred about the number of ICANN regions remaining at five.”

Source: GNSO Principle on Potential Change of Regions (August 2008)

103. Discussion: A number of community proposals have been discussed within the community that would create an Arab Region, or a region of small island nations or divide the Asia-Pacific region into two separate geographic regions. The stated GNSO principle merely recognizes this environment and purports to keep the option open for community discussion. The principle reflects the understanding that the geographic region framework should not be static and should be flexible enough to consider further adjustments.
104. Options and Impacts: Two potential options for Board consideration are to maintain the current number of regions or to expand the number of regions. Reducing the number of regions does not seem to be a viable option for consideration. Increasing the number of regions, by any number would have substantial resource impact on the processes and practices of ICANN. The addition of even one region to the framework may require many ICANN communities to adjust or expand their management or administrative structures in some way.
105. For example, in the At-Large community there are currently five Regional At-

Large Organizations (RALOs) that are designed to reflect the five ICANN Geographic Regions. Adding any new region to the existing geographic regions framework would likely prompt creation of a new RALO with a similar infrastructure of the existing RALOs. This would require ICANN to make available additional in-person meeting facilities (physical rooms at ICANN meetings) or arrange expanded telephone conference capability for community meetings and could increase the ICANN travel budget. These additional resources would need to be factored in to the ICANN Budget before the official creation of any new region and Staff has been asked to calculate/estimate what those costs might be annually for each new region. If pursued, implementation of such modifications could be managed over a transition period to minimize disruption to affected community members.

### Allocation of Countries to Regions:

#### Matter No. 15 – Considering the Africa Region

Quote/Issue: “There has been strong lobbying from some African countries that the present composition of the African Region should not be changed.”

Source: ccNSO Report to the Board (November 2007)

106. Discussion: Representatives in each geographic region likely have different perspectives regarding the composition of their region depending on the community of which they are a part.
107. Options and Impacts: Maintaining the present composition of the African Region would likely impact few ICANN resources in any particular community. It is hoped and expected that African representation will continue to increase over time but that is an incremental resource increase rather than a strategic one.
108. The WG has also heard, however, at least one proposal that could impact the African region in some way. In forum comments on the Initial Report, Dr. Al-Zoman says an Arab Region should be created under the ICANN Geographical Regions framework. He says this is necessary to allow the Arab community to participate intelligently and fruitfully in ICANN. Creation of such a region would potentially reduce the number of countries in the African Region.<sup>34</sup>

### Number of Regions:

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<sup>34</sup> Working group survey responses also included calls for an Arab Geographic Region. See also Letter from League of Arab States to ICANN CEO Rod Beckstrom (see <http://www.icann.org/en/correspondence/beckstrom-to-moussa-15oct10-en.pdf>)

### Matter No. 20 – Too Many Regions “Difficult” or “Unworkable”

Quote/Issue: “A significantly larger number of Geographic Regions would make the task of maintaining balance within ICANN working groups, constituency/stakeholder officers and council representatives difficult or unworkable.”

Source: GoDaddy response to Public Consultation (March 2009)

109. Discussion: As noted in Matter No. 14 above, it is already challenging for some stakeholder communities to meet the geographic diversity requirements in their respective ICANN structures. The creation of any new geographic regions – in the short run – could contribute to a shortage of potential community participants in various ICANN structures. In the case of the gTLD Registries community this might be resolved over time as (if) substantial numbers of new gTLD applicants are approved.
110. Options and Impacts: The expansion of the number of geographic regions would also create resource impacts on ICANN communities and professional Staff. Additional regions would likely require additional staff administrative support commitments. For example, as noted above and in the Initial Report, the At Large community structure bases much of its work on Regional At-Large Organizations (RALOs) that mirror the current ICANN Geographic regions. Thus, any new region would likely create the need for At-Large to consider creation of a new RALO. New groups in At-Large or other ICANN structures will likely require additional staff or other administrative support (telephone conference bridges, web site support, potential travel funding) and could increase ICANN budget costs.

### Matters No. 21 and No. 23 – Aligning the Regions To Other Frameworks

Quote/Issue: “Ideally, the RIR region and the Geographical Region assignment should be aligned.” -- Source: GoDaddy Response to Public Consultation (March 2009)

Quote/Issue: “The five ICANN regions are significantly different from those defined by the UN Statistics Office” -- Source: ccNSO Report to the Board (September 2007)

111. Discussion: As noted above, the ICANN framework diverged from the UN model very early in its existence. The current RIR system divides the world into 5 regions based solely on geographic location. These are: AfriNIC (Africa), APNIC (Asia Pacific), ARIN (Canada, United States and many island nations in the Caribbean and North Atlantic Ocean), LACNIC (Mexico, Central America, South America and Latin America and Caribbean area), and RIPE NCC

(Europe, Middle East and parts of Central Asia).

112. Options and Impacts: Aligning the ICANN system with the RIR system would result in re-alignment of various regions within ICANN. The burden of that change would be limited for ICANN internal Staff operations but would likely have a substantial impact on various community members and the make-up of various structures within the ICANN system. If pursued, implementation of such a re-alignment could be managed over a transition period to minimize disruption to affected community members.

### Matter No. 22 The Challenge of Region Size

Quote/Issue: “The present regional structure has given rise to a number of representational and participation issues. For example, the sheer size and diversity of the Asia-Australia-Pacific Region can create difficulties for meaningful participation in regional dialogues for smaller and lesser-developed countries and resource-poor ccTLD managers.”

Source: auDA Response to Public Consultation (March 2009)

113. Discussion: It has been pointed out that the current geographic regions framework and the lack of its alignment with any other internationally organized system or framework makes it difficult – particularly for smaller countries with limited resources – to be actively engaged in different aspects of ICANN. There are more meetings to attend, different people to know and different structures to understand.” In its original 2007 Report, the ccNSO Regions Working Group noted, for example, that ccTLD managers in the Middle East are by definition part of ICANN’s Asian/Pacific region. But for the allocation of IP number resources they rely on RIPE NCC (the RIR for Europe and the Middle East).
114. Options and Impacts: ICANN’s structures and processes should lower barriers for participation and engagement by community members as much as practicable. The size of the current regions do create circumstances where individuals must travel long distances for face to face meetings. Smaller (more) regions could address this concern, but any potential benefits should be compared with the increased internal resource costs they could conceivably incur.

### Matters No. 24 and No. 25 - Consideration of Cultural, Language and Economic Ties

Quote/Issue: “Regional structures should take into account geography, culture, language and economic ties. This may lead to an increase in the number of regions.” -- Source: ccNSO Report to the Board (September 2007)

Quote/Issue: “Some smaller regional groupings (e.g. Small Island States, Arab States) feel that the present application of Geographic Regions sometimes results in their particular needs being overlooked by ICANN and the very large regional organisations.” -- Source: Informal Feedback to the Working Group

115. Discussion: Informal community feedback to Working Group members over the last year reflects an increased awareness of the potential benefits-of and interest-in cultural and language diversity within the ICANN community. During the public comment forum on the Working Group’s Initial Report, one commenter called for an “Arab Region” to be created. He reflected that the Arab community is not limited to a specific geographic region in that “Arab ccTLDs, Arab LIRs, private sector, civil societies, and others are scattered” around the world including some in the Asia/Pacific, some in Europe, and some in Africa. This interest seems to reflect both cultural and language ties that are not particularly related to a geographic region.
116. The recent initiative to introduce internationalized domain names (IDNs) is also perhaps contributing to some of these thoughts. ICANN has received a total of 21 individual requests for “fast track” IDNs. The requests span eleven different languages, including: Chinese, Arabic, Russian, Sinhalese, Tamil, and Thai. Read more about IDNs at: <http://www.icann.org/en/topics/idn/>.
117. Additionally, representatives of small Island states have talked with Working Group members about the unique characteristics they share (e.g., geographic size – not location) with other sovereignties who may not be in any geographic proximity to them.
118. Options and Impacts: Given changes in the Internet in the last decade, regional classifications based on culture, language, economic ties or particular geographic characteristics should be considered in any review of the geographic regions framework. Additions to the number of regions based on these non-geographic considerations would present many of the same potential impacts as an expansion of geographic regions noted above in the discussion of Matter No. 20 above.
119. An alternative approach might be to acknowledge in some way the role of special interest groups formed by countries who share a common interest, whether it be language, culture or unifying geographic factors. Perhaps these could exist quite separately from the formal Regional Structure but SOs or ACs might have to establish criteria that such Group would have to meet before

being given formal recognition. These non-geographic regions might require bottom-up self-selection procedures similar to the process the Board has recognized regarding petitions for new Constituencies in the GNSO (see <http://gns0.icann.org/en/improvements/newco-process-en.htm>).

### **D. Next Steps**

120. The Working Group looks forward to receiving public comment and reactions to this document and the concepts raised herein. The Working Group expects Public comments to be open through 30 January 2011 and hopes to collect useful community feedback at its public workshop at the ICANN Public Meeting (ICANN No. 39) in Cartagena, Columbia.
121. The Working Group will apply all public comment and feedback to its drafting and deliberations to produce a Final Report in 2011.

### **Annex A: Terminology Established in the Initial Report of the Working Group**

“Categories of Use” are merely labels defined by the Working Group to enable it to classify the main purposes for which Geographic Regions are used. They are defined as follows:

#### **Representation (also called “Electoral”)**

1. In this category geographic regions are used to:
  - a. define electoral constituencies, and/or
  - b. place constraints upon the membership of Boards and Councils by limiting the number of members from any one region (or country).
2. The stated aim is to assure geographic diversity of membership within the relevant ICANN decision-making bodies.

#### **Participation**

3. In this category, geographic regions are used as the basis for ICANN’s recognition and support of local (“regional”) community organizations and, to a lesser extent, individuals.

#### **Operations**

4. In this category, geographic regions are used to manage geographic distribution and/or coverage of technical or administrative resources and support (e.g., RIRs). Operational distribution may also impact Participation.