Summary and Analysis of Public Comments on Interim Report of Geographic Regions Review Working Group

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I. BACKGROUND

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.

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).

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.

The rest of the community supported the concept of the 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).

The Charter authorized by the Board outlines 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 part two of its work with the Interim Report that is the subject of this proceeding.

II. GENERAL COMMENTS and CONTRIBUTORS

As of the 30 January 2011 closing date of this proceeding and through the first week of February, four (4) substantive and relevant community submissions had been made to this comment forum. The Working Group also collected comments from the community at a Workshop held on 9 December 2010 during the ICANN Public Meeting in Cartagena, Columbia (see http://cartagena39.icann.org/node/15465 - a transcript of the comments from that Workshop are included in this summary document).

The parties commenting in writing included:

Antony Van Couvering, CEO, Minds & Machines
Maureen Hilyard, Vice Chair, Pacific Chapter of the Internet Society
The Country Code Names Supporting Organization of ICANN (ccNSO)
The At-Large Advisory Committee of ICANN (ALAC)
The ALAC submission included an appendix section containing contributions from the five At-Large Regional At-Large Organizations (RALOs):
AFRALO;
APRALO;
EURALO;
LACRALO; and
NARALO
Among the various RALO statements appended to the ALAC statement were also a few individual comments from RALO members that are quoted in this summary including:
Will Tiben, APRALO;
Siranush Vardanya, APRALO; and
Edmon Chung, APRALO

Community members who participated in the Working Group's Cartagena Workshop who are quoted in this summary from the workshop transcript include:

Fouwad Bajwa, APRALO
Tijani Ben Jemaa, AFRALO
Eric Brunner-Williams, NARALO
Keith Davidson, Dot .nz and Chair of Asia/Pacific Top Level Domain Association
Khaled Fouda, League of Arab States
John Lawrence, AusRegistry International
Mike Roberts, ICANN Nominating Committee Member

III. SUMMARY & ANALYSIS

General Disclaimer: *This document is intended to broadly and comprehensively summarize the comments submitted to this Forum, but not to address every specific position stated by contributors. 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:*
http://forum.icann.org/lists/geo-regions-interim-report/

Although limited in number, the comments received raised a number of issues that the Working Group will need to consider as it considers what, if any, recommendations to make to the ICANN Board.

Several commenters encouraged the Working Group to take an active role in making recommendations to adjust the ICANN Geographic Region framework.

Commenters addressed a variety of topics. Some topic areas unavoidably and necessarily overlap. One category of comments addressed the scope of the Working Group's potential recommendations. A number of comments said the WG should not feel constrained to recommend adjustments to the geographic regions framework. A second category of comments focused on the types of adjustments the WG should recommend. The full list of issues and matters raised by the commenters include:

A. The Scope of Potential Recommendations Available to the Working Group;
B. A Caution About Unintended Consequences;
C. Opinions Regarding the Existing Geographic Regions Framework;
D. How To Classify Regions – Options for Working Group Recommendations;
E. Option - Considering the Creation of New Regions - A New Region for "Small Island Developing States";
F. Option - Relocating Specific States to More Appropriate Regions;
G. Considering the Purpose of Geographic Diversity in ICANN Processes;
H. Culture, Language and Other Measures of Diversity; and
I. The Need to Regularly Review The Geographic Regions Framework

Comments regarding each of these issues and matters are quoted or summarized in a specific section below. Due to the overlap of some issues you may note that a few select quotes are repeated.

A. Scope of Potential Recommendations Available to the Working Group:

The ccNSO believes that "in developing its conclusions and Final Report, the Working Group should not feel beholden to the legacy intentions or purposes that drove ICANN to adopt geographic regions. The Council believes the Working Group's conclusions should not focus on whether the adoption of five regions was "reasonable and defensible" in 2000, but rather upon the current needs of ICANN, its SO's and AC's and all stakeholders."

Mr. Van Couvering agrees. He says, "I encourage the Working Group to adopt definitions and policies that work for ICANN today, not what worked for the NTIA eleven years ago."

Keith Davidson the Chair of the Asia/Pacific Top Level Domain Association which currently has 36 of the 72 Asia/Pacific located countries as members, commented at the December 2010 Working Group Workshop in Cartagena, Colombia, "I don't think you can find another model which will fit, so this is a bottom-out process of finding what suits within ICANN solely. So my suggestion in that instance is that you start again with ignoring any existing structure, including the existing ICANN structure."

Reiterating a position it asserted back in 2007, the ccNSO says, "ICANN's arrangements for the allocation of countries and distinct economies to regions must recognise the sovereignty and right to self-determination of states. The ccNSO says, "ICANN cannot issue prescriptive guidelines or become involved in interrelationships between countries and their outlying territories. ICANN should retain a degree of flexibility and recognize both the established preferences of sovereign states and the preferences of their territories, if supported by the sovereign."

The ccNSO also cautions, "ICANN's arrangements for the allocation of countries and distinct economies to regions must recognise the sovereignty and right to self-determination of states."

B. A Caution About Unintended Consequences:

Commenters make a number of specific suggestions about particular adjustments that could be made to the Geo Regions framework (see below), but commenters also recognize the challenges of making any changes at all.

For example, Keith Davidson said at the Cartagena Workshop that, "one of the issues about dividing the massive Asia/Pacific region is that when you start to look at methodologies of division, you can get into culture and language issues where you could upset other apple carts. For example, the Middle East scene is quite a distinct region, but the North African states that share the language probably feel that they would belong more together with that smaller sub-region, so you may be creating more problems than it's worth."

C. Opinions Regarding the Existing Geographic Regions Framework:

ALAC says it is "satisfied" with the current ICANN regions structure, but that it is concerned that "proposals to introduce new ICANN regions or splitting the current regions [could] severely affect and fragment the current At-Large structure."

AFRALO says it has "no objection" to the current ICANN geographic region structure and distribution. The organization asserts that, "the current ICANN regions [framework] fit its purposes."

The EURALO said it supports maintaining the existing regional model at ICANN. "As a general rule," Euralo says, "we would like to suggest some considerations on exceptional or border cases and to introduce a new "principle of self-determination" for such particular border cases. We are conscious that exceptions always need to be well justified to avoid abuses. And such a "principle of self-determination" needs to be further discussed and specified on particular circumstances, procedures of consultations, mutual approval and decision-making.

D. How To Classify Regions – Options for Working Group Recommendations:

1. Physical Location:

Mr. Van Couvering says, "I urge the Working Group to recommend using definitions that recognize the actual physical location of a country of territory rather than its political affiliations. This would be most helpful for regions where colonialism still flourishes, notably in Oceania and the Caribbean. He says, "ICANN is under no obligation to contort itself to recognize vestiges of occupation. Nations and territories in the Caribbean (for instance) are actually in the Caribbean, not in Europe, and their cultures and their people for the most part identify themselves as Caribbean.

2. Considering the Option of Sub Regions:

Contributing to the APRALO section of the ALAC comment package Fouad Bajwa introduces the possibility of sub regions being formed within APRALO. He specifically denotes Small Island Developing State (SIDS) sub-regions and an Arab sub-region. In his APRALO contribution, Edmon Chung also supports this idea.

Khaled Fouda also seemed to agree with this idea at the Cartagena Workshop – particularly with respect to the creation of an Arab Region. Noting that ICANN had identified an Arab region for the purposes of new gTLDs he said, "the Arab region is sort of a defined region with 22 member states that share the same language, the same culture, the same models and many things, actually. So is there also a way where we can work on defining the Arab region as part of the ICANN region in general, and not only just for new gTLDs?"

John Lawrence, from AusRegistry International also likes this concept. At the Cartagena workshop he said, "I think we would certainly encourage regions like the Arab States to start developing their own sort of informal conferences on an annual basis. And I think that potentially provides kind of a bottom-up approach, and if these things are viable and start to make sense, then perhaps in time they

can be looked at as potential sort of proto-regions or whatever they might become."

E. Option - Considering the Creation of New Regions - A New Region for "Small Island Developing States":

Maureen Hilyard is the Vice Chair of the Pacific Chapter of the Internet Society. In her written comments she observes that, "the ICANN list of countries excludes some small island developing states from participating in ICANN and other similar meetings as members in their own right." Ms. Hilyard asserts that, "small island states are usually 'lumped' together with larger countries and continents because of their proximity but with little consideration for their greatest barrier to development - their isolated situations within large expanses of ocean." As such, she recommends, "ICANN consider the creation of another region (or another special interest group) that represents the needs and concerns of small island states within the Pacific (and perhaps similar small island states currently assigned to other regions.)"

Ms. Hilyard observes that, "the uniqueness of each of Pacific Islands as a geographic category is demonstrated by the following factors:

- The range in population - from 50 (Pitcairn Island) to seven million (Papua New Guinea)
- The range from completely independent republics to countries that remain territories of large countries (e.g., United States, France and the United Kingdom)
- Their internal administration by single government entities, to multiple provincial governments
- The range in size and composition from one small island of 21 sq kms (Nauru) to a portion of a large land mass plus 30 groups of islands (Papua New Guinea)."

ALAC says, "We understand and acknowledge legitimate requests and issues raised related to the current ICANN regions. And ALAC specifically notes "the islands nations geographical split between more than one region based on geography and administrative/legal reasons."

LACRALO also suggests, "there is merit in having a new grouping specific to the needs of Small Island Developing States like ours. Many of the smaller islands in our region are not represented because of limited resources and we agree that ICANN's structures and processes should lower barriers for participation and engagement by community members as much as practicable. By forming this new grouping we can leverage on our collective skills to support smaller members not only in the Caribbean but globally, who will have almost identical issues." LACRALO cautions, however, that "perhaps the main drawback with a SIDS RALO would be that we would be geographically dispersed and have to

travel long distances for face to face meetings such as a General Assembly."

In his statement accompanying the ALAC comments, Will Tiben of the APRALO also acknowledges and supports Ms. Hilyard's comments regarding small island nations.

F. Option - Relocating Specific States to More Appropriate Regions:

Council of Europe Member Relocation:

Both the EURALO and Siranush Vardanya of the APRALO recognized the circumstance that CoE Member countries like Armenia, Azerbaijan or Georgia are considered in the ICANN framework as part of the Asian region.

ALAC says, "We understand and acknowledge legitimate requests and issues raised related to the current ICANN regions. ALAC specifically mentions "the status of some Eastern countries like Armenia and Azerbaijan whom according to ICANN regions are part of Asia Pacific region while in other international fora they are members of the European region."

Caribbean Realignment:

The LACRALO comments submitted with the ALAC comments suggest that the Working Group consider recommending the Caribbean be re-aligned with the NARALO. LACRALO says, "The Caribbean is distinct in terms of its history, culture and language; further it has indigenous challenges being small island states and specific needs which are not a natural fit with the rest of Latin America." LACRALO says "both NARALO and the Caribbean Region share the same language and akin perspectives on many areas, including our view of democracy."

G. Considering the Purpose of Geographic Diversity in ICANN Processes.

In its comments the ccNSO said it 'supports the development of structures and policies relating to ICANN's use of geographic regions that are consistent, reviewed regularly, and facilitate balanced participation and representation from all countries, irrespective of location or economic status."

Similarly, the LACRALO says it is "supportive of the GNSO Principle on Potential Change of Regions (August 2008) which states that 'ICANN regions should seek to balance three goals: diversity of representation, ease of participation, and simplicity' and such simplicity 'should be balanced with the evolving needs of ICANN's supporting organisations and other bodies.'

Other commenters focused on specific aspects of participation and representation.

1. Participation:

The NARALO supports "investigating ways to increase the participation of Indigenous populations, especially those whose cultural territory cuts across regional boundaries." The NARALO says it would "strongly oppose any regional model (such as the ITU) that would amalgamate all of the Western Hemisphere into a single 'Americas' region."

The EURALO says, "if we want to encourage a broader bottom-up participation and inclusion of more Internet users at ICANN, we need to create conditions for participation reflecting the cultural particularities and sensitivities of motivated people and potential ALSes."

In recommending that some special consideration be given to small island states in the Pacific region (and other regions if they wish), Maureen Hilyard particularly notes that such designations would enable representatives of those states to be assigned their own "regional area" or be given "special interest" status "so that during ICANN meetings they may be able to raise and discuss issues and concerns that are applicable to the technological and internet development of small island states globally."

2. Representation:

ALAC says, "as the demography of internet users is changing and millions of new internet users are joining the internet from emerging or developing countries, the Geographic Regions Working Group Interim Report recommendations should encourage ICANN constituencies (AC/SOs) to review their current membership frameworks to address issues of under-representation of those regions and encourage more active participation from the least represented or active geographical regions."

Keith Davidson notes that there is more than one way to look at the issues. He says, "One [i]s the representation methodology within ICANN and the second is how to not even think about regions but think about issues and where you have commonality of issues."

As a current ICANN Nominating Committee member, Mike Roberts cautions about treating the Geographic Regions framework as a cure-all for representation of culture and diversity. At the WG Cartagena Workshop he said, "And so the notion that one person could represent the diversity of that big chunk of geography and culture and language and economies just doesn't really compute. And there are similar examples, I think, all around the globe, so I'm very pleased with the progress that you've made." He continued, "I guess the notion is we ought to try to turn down the volume on the notion that the regions have representational value that borders on entitlement because that leads us to a

place where we really don't want to be."

H. Culture, Language and Other Measures of Diversity:

ALAC notes that the concept of geographic diversity could also expand to include considerations of cultures and languages. The ALAC comments say, "With specific reference to the Interim Report question on how to ensure cultural diversity, the ALAC encourages the AC/SOs to seek membership of organizations/entities to represent more cultural and linguistic diversity."

The LACRALO observes that, "the defined geographic region of LACRALO has in the past detracted from ICANN's goal of reflecting the functional, geographic and cultural diversity of the Caribbean Region of Internet end-users. The LACRALO "agree[s] in the broader recognition of 'diversity' to include additional considerations of culture and language in the LACRALO. The Caribbean is distinct in terms of its history, culture and language; further it has indigenous challenges being small island states and specific needs which are not a natural fit with the rest of Latin America. Due to these differences LACRALO is able to benefit from varying opinions and has the potential to be a truly representative region." One small but important example, according to LACRALO, is the predominant use of the English language in the Caribbean Region, "however 90% of the mailing list discussion takes place in Spanish", according to LACRALO.

At the Cartagena Workshop, Eric Brunner-Williams from the NARALO observed that there are additional choices for how ICANN "split[s] up the world." He said, "one was referred to by the head of the Asia/Pacific TLD Organization, which is the legal culture, that is similarity of legal cultures being an organizing principle. The other one … is the Network Operator Group Locality of Interest. So we have the North American Operators Group; we have RIPE; we have the Middle East Operators Group; we have the A/P Network Operators Group. These are localities of service providers who provide the access network and the transit network for ultimate users of the DNS, our users. So that's another possible dividing principle is basically through the nexus of wire bundling."

Tijani Ben Jemaa from ALAC would also seem to agree with this line of thinking. At the Cartagena workshop he said, "I don't think that that is a real interest, but we have to think about the regional division; we have to think about this creation of internet in those regions. Geographic division, but with this creation of the internet, the internet users, the industry of TLDs, etc. So if we can, if we try to do that, perhaps we will have another division, which is not very far from the division, the actual division, but which will be, perhaps, more useful for ICANN."

ALAC says, "Value could be added to the ICANN policy development process and each AC/SO could employ tailored procedures to ensure diversity among its members."

I. The Need To Regularly Review Of The Geographic Regions Framework

ALAC says, "the Geographic Regions Working Group [should] recommend a regular review of ICANN regions framework every five years review, the review should focus in assessing ICANN regions impact on the issues representation and participation within ICANN AC/SOs."

The ccNSO comments also reinforce the concept of regular review.

IV. NEXT STEPS

The Working Group members will review and consider the substance of the submitted comments as they develop their Final Report recommendations, if any, for the ICANN Board. Once that Final Report is published, it will also be made available in all six UN languages for community review and comment before it is formally reviewed by the Board.

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