



# ICANN GEOGRAPHICAL REGIONS

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

**June 2013**

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### Executive Summary

1. In this Final Report, the Geographic Regions Review Working Group (hereinafter the “Working Group”) reviews its efforts and makes a number of recommendations to the ICANN Board for modifications to the application of the ICANN Geographic Regions Framework.
2. The Working Group was formed by the Board to (1) identify the different purposes for which ICANN’s Geographic Regions are used; (2) determine whether the uses of ICANN’s Geographic Regions (as currently defined, or at all) continue to meet the requirements of the relevant stakeholders; and (3) submit proposals for community and Board consideration relating to the current and future uses and definition of the ICANN Geographic Regions.
3. The Working Group finds that the ICANN principle of geographic diversity remains important and relevant to ICANN’s mission. Over the course of its deliberations, the Working Group has (1) reviewed the underlying history, objectives and general principles of ICANN’s Geographic Regions Framework, (2) identified the various applications and functions to which the regions framework has been applied by existing structures and the ICANN staff; and (3) engaged the community in an extensive collaborative dialogue about issues and potential solutions to maintain and potentially expand the value of the geographic regions framework for the entire community.
4. In 2000, the ICANN Board directed Staff to assign countries and territories to geographic regions on the basis of the United Nations Statistics Division’s existing classifications. However, the Working Group has found that in mapping the UN Statistics’ categorization into ICANN’s pre-defined Regions, the Staff apparently deviated significantly from the UN allocations.
5. Despite these deviations from the Board’s original objective, the Working Group concludes that over the past decade, ICANN has largely applied geographic diversity principles consistent with the organization’s diversity goals.
6. The Working Group attempted to identify an alternative consistent or standard geographic categorization model with international recognition that would better meet ICANN’s requirements. Unfortunately, no such model has been found.
7. The Working Group concludes that wholesale modifications to the original geographic regions framework is not merited, and recommends that ICANN adopt its own Geographic Regions Framework based upon the current assignment of countries to regions. This new framework system should govern the make-up of the ICANN Board. However, to provide flexibility to individual communities and structures within ICANN, it is recommended that for the time being they be

permitted to:

- a. follow the same framework as the Board, or
  - b. develop their own mechanisms (with Board oversight) for ensuring geographic diversity within their own organizations.
8. The Working Group recommends that the Board should direct Staff to prepare and maintain ICANN's own unique organizational table that clearly shows the allocation of countries and territories (as defined by ISO 3166) to its existing five Geographic Regions.<sup>1</sup> The initial allocation should reflect the *status quo* of the current assignments. However, Staff should also develop and implement a process to permit stakeholder communities in countries or territories to pursue, if they wish, re-assignment to a geographic region that they consider to be more appropriate for their jurisdiction.
  9. Just as the Internet has evolved technically, structurally and geographically over the past decade, ICANN should manage its own evolution to ensure opportunities and make potential allowances for cultural and language diversity. In that context, the Working Group recommends that ICANN seek ways to recognize and accommodate Special Interest Groups to promote the interests and unique attributes of stakeholder communities that may not clearly fit into the formal top-down regional structures. These "bottom-up" groupings would be complementary to the formal regional framework, and would not replace it. They would not form any part of ICANN's decision-making structure but would be free to lobby for the support of elected representatives.
  10. Finally, the Working Group recommends that the Board maintain oversight over the existing geographic regions framework at all levels within the ICANN organization and review the effectiveness of its application at regular five-year intervals.

## I. Introduction

### A. Background

11. 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](#).

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<sup>1</sup> The Working Group also examined whether or not the number of ICANN Geographic Regions should be increased (or decreased) from the present five. It concluded that a change at this time would not be cost-effective but that the question should be reviewed at regular intervals.

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12. The ICANN Bylaws define five geographic regions<sup>2</sup>:
  - Africa;
  - North America;
  - Latin America/Caribbean;
  - Asia/Australia/Pacific; and
  - Europe.
13. The ICANN Geographic Regions were originally created as a means of attaining geographical diversity in the composition of the ICANN Board. By an ICANN Board resolution in 2000<sup>3</sup>, Staff was instructed to assign countries to geographic regions on the basis of the United Nations Statistics Division's (UNSD) current classifications<sup>4</sup>. It also introduced the concept of "citizenship" in relation to the use of ICANN Geographic Regions.
14. Subsequently, the ICANN Geographic Regions framework was applied in various ways when defining the organizational structures for the ALAC, GNSO, and ccNSO.
15. In a September 2007 Report to the ICANN Board<sup>5</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>6</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.
16. Following input and support from the GNSO, ALAC, and GAC, the ICANN Board at its Public Meeting in Cairo (November 2008)<sup>7</sup>, authorized the formation of the proposed working group. The Board subsequently approved the Working Group's Charter on 26 June 2009.<sup>8</sup>
17. The Working Group Charter outlined a three-stage process to include a thorough review of the geographic regions framework, effective community collaboration

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<sup>2</sup> [www.icann.org/en/general/bylaws.htm#VI-5](http://www.icann.org/en/general/bylaws.htm#VI-5)

<sup>3</sup> [www.icann.org/en/minutes/minutes-16jul00.htm](http://www.icann.org/en/minutes/minutes-16jul00.htm)

<sup>4</sup> <http://unstats.un.org/unsd/methods/m49/m49regin.htm>

<sup>5</sup> <http://ccnso.icann.org/workinggroups/ccnso-final-report-regions-wg-240907.pdf>

<sup>6</sup> [www.icann.org/en/minutes/resolutions-02nov07.htm#\\_Toc55609368](http://www.icann.org/en/minutes/resolutions-02nov07.htm#_Toc55609368)

<sup>7</sup> [www.icann.org/en/minutes/resolutions-07nov08.htm#\\_Toc87682556](http://www.icann.org/en/minutes/resolutions-07nov08.htm#_Toc87682556)

<sup>8</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>).

between various supporting organizations and advisory committees, and production of final recommendations that had community support.<sup>9</sup>

### **B. Part I: The Initial Report**

18. The Working Group first prepared an Initial Report outlining the current applications of ICANN's geographic regions within various ICANN structures and processes, and confirming the issues the Working Group planned to address during its deliberations. That Initial Report was published in all six official UN languages on 31 July 2009 and was made available for community review and comment for a 35-day public comment period (see <http://www.icann.org/en/news/public-comment/geo-regions-review-31jul09-en.htm>).
19. The Initial Report included three questions for which the Working Group wanted feedback from the community. First, notwithstanding its own research, the WG was particularly interested to learn if it may have missed any specific uses or applications of the geographic regions framework in ICANN's organizational structures. The WG also asked the community to confirm that the scope of its work should not be extended into other specific operational applications where geographic considerations were being used by ICANN Staff.
20. Second, the Initial Report identified Representation, Participation and Operations as the three primary "usage categories" for which geographic regions are currently being applied within the ICANN community. Those categories were to become an important component of the Working Group's analytical framework. The Working Group wanted community confirmation that the "usage categories" it identified were sufficient and appropriate.
21. 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.

### **C. Part II: The Interim Report**

22. The Interim Report built on the foundation of the Working Group's Initial Report and focused on general principles, specific considerations and some of the critical issues that the Working Group intended to address in its Final Report document. The report offered (a) a review of the underlying history, objectives and general principles of ICANN's Geographic Regions Framework; (b) it raised a number of

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<sup>9</sup> This operational structure manifested itself in the expected publication of three separate but related reports – an initial report, an interim report and a final report. This document reflects the third step in that process.

fundamental strategic questions for further community consideration; and (c) it expanded on a number of specific matters identified in the Initial Report that were likely to be addressed in the Final Report. That Interim Report was published in all six UN languages on November 12, 2010 and was made available for community review and comment for 80 days (see <http://www.icann.org/en/news/public-comment/geo-regions-interim-report-12nov10-en.htm>).

23. The Interim Report thoroughly reviewed the historical applications of the ICANN Geographic Regions Framework from its origins in the “Green Paper”<sup>10</sup> until the present day. It examined the history of ICANN’s principle of “geographic diversity” and the evolution of the Geographic Regions Framework.
24. From that research, the Working Group concluded 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. The U.S. Department of Commerce/NTIA and other stakeholders expected 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”. Opinions on this issue were sufficiently strong at the time that ICANN felt bound to 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 definitively explains how the original five geographic regions were selected. One hypothesis is that because the Green and White Papers both suggested that representatives of APNIC (Asia/Australia/Pacific), ARIN (North America) and RIPE (Europe) should be on the ICANN Board, these three RIRs helped to determine the first three official

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<sup>10</sup> 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.” This document was called the “Green Paper”. After a period of public consultation, the Green Paper was followed on 5 June 1998, by a Statement of Policy issued by the U.S. National Telecommunications and Information Administration (“NTIA”). The second document was dubbed the “White Paper”.

Regions with Latin America/Caribbean and Africa being projected as the next most likely RIRs to be established.

- e. Notwithstanding the origin of ICANN’s five geographic regions, the Working Group concluded that the framework did not reflect any commonly recognized division of the world such as “continents”<sup>11</sup>, nor was it derived from any framework used by any other internationally recognized organizations. This Regional construct appears to be uniquely applicable within ICANN.
  - f. As a consequence of paragraph (e) above, the Working Group found that subsequent attempts to strictly allocate countries to Regions “in accordance with international norms”<sup>12</sup> or to adopt “some independently prepared and authoritative list”<sup>13</sup> were destined to be unsuccessful.
  - g. The Working Group was unable to find any resolution of the ICANN Board authorizing the current allocation of countries to geographic regions.
25. In the Interim Report, the Working Group built on its understanding of the historical underpinnings and evolution of the Geographic Regions Framework and addressed a series of fundamental questions including: (1) has the Framework produced its desired effect?; (2) are the five regions still relevant, reasonable and defensible [in the present day]?; and (3) are the regions, in fact, consistent with the international norms of today?
26. Additionally, the Working Group addressed each of the 25 “Matters To Be Taken Into Consideration” introduced in the Initial Report and grouped them into 17 general principles and specific issues including, for example, “Application and Evaluation of Geographic Diversity in a Wider Context”, “The Evolving Needs of Regions and Future Users”, “Importance of Flexible Application/Implementation and “Number of Regions”, etc. For each topic, the Working Group provided discussion of the principle or issue, and listed options and potential community impacts.

### **D. Part III: This Final Report**

27. Building off the discussion of general principles and specific issues in the Interim Report, this Final Report provides specific recommendations from the Working Group to the ICANN Board that are intended to ensure that the organizational

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<sup>11</sup> [http://en.wikipedia.org/wiki/Continent#Number\\_of\\_continents](http://en.wikipedia.org/wiki/Continent#Number_of_continents)

<sup>12</sup> [www.icann.org/en/committees/gac/communique-14jul00.htm#D](http://www.icann.org/en/committees/gac/communique-14jul00.htm#D)

<sup>13</sup> [www.icann.org/en/minutes/minutes-16jul00.htm](http://www.icann.org/en/minutes/minutes-16jul00.htm)



principles of geographic and cultural diversity are honored and maintained.<sup>14</sup> Those recommendations are based upon (a) the Working Group’s own thorough research, (b) extensive community consultation, and (c) assimilation of various viewpoints representing a broad cross-section of the ICANN community.

28. A draft version of this Final Report was circulated to the community for review and comment before it was finalized into this “final” Final Report. The draft document was posted for community comment for an 80-day period (see <http://www.icann.org/en/news/public-comment/geo-regions-draft-final-report-30sep11-en.htm>). Community feedback on that draft report prompted further Working Group discussion and resulted in several significant adjustments to its initial draft recommendations that are fully explained beginning at paragraph 39 below. A tracking checklist of community comments and Working Group responses has been prepared and can be found on the Working Group’s Confluence Community wiki page at – <https://community.icann.org/display/georegionwg/Final+Report+Draft+Issues+Matrix>. This document reflects the results of all those discussions and adjustments and reflects the final recommendations of the Geographic Regions Review Working Group to the community and the Board.
29. According to the Working Group Charter approved by the Board, each community Supporting Organization and Advisory Committee that contributed members to the Working Group will have the opportunity to review and comment on this document before it is formally submitted to the Board.<sup>15</sup> Briefings will be made available to all

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<sup>14</sup> The ASO/NRO (RIR) representatives kept a neutral position throughout the WG proceedings and have not proposed, supported or endorsed the WG final recommendations.

<sup>15</sup> The SO-AC review and comment process is governed by the Working Group Charter Sections 4 “Processes and Working Methodology”. Specifically:

**“d. Working Group methodology**

...The Final Report shall be published within fourteen (14) days after adoption of the Report by the GEO WG and conveyed to the chairs of the SOs and ACs participating in the WG.

**e. Support for GEO WG Final Report**

Following its submission, the ACs and SOs who have contributed representatives to the WG shall discuss the GEO WG Final Report and decide whether they support the recommendations. The Chairs of the SOs and ACs shall notify the Chair of the GEO WG in writing of the result of their deliberations.

**f. GEO WG Supplemental Final Report**

In the event that any SO or AC who has contributed representatives to the WG does not support the recommendations, it will inform the GEO WG in writing of its reasons. The GEO WG may, at its discretion, reconsider its report and submit a re-drafted Final Report to seek support.

**g. GEO WG Board Recommendations**

In the event the GEO WG Final Report or GEO WG Supplemental Final Report is supported by the SOs and ACs who have contributed representatives to the WG, the GEO WG shall, within 5 days, submit to the ICANN Board its recommendations. This will include:

- (i) The (Supplemental) GEO WG Final Report;

SO-AC leadership during the upcoming ICANN Public Meeting in Durban, South Africa.

## II. Community Participation-in and Reaction-to the Working Group Effort

### A. Extensive Participation Opportunities

30. In fashioning its recommendations, Working Group members have taken into consideration the importance, political sensitivity and operational repercussions of the geographic regions framework within various segments of the ICANN community.
31. The Working Group was challenged by the Board to ensure multiple opportunities for community input. ICANN's SOs and ACs 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 public and the entire ICANN community had the opportunity to comment on the proposed charter of the Working Group before it was approved by the Board (see <http://www.icann.org/en/news/public-comment/regions-charter-18feb09-en.htm>).
32. Every written report generated by the Working Group has been published in all six UN languages and each has been subjected to extended community review and comment opportunities. Working Group members individually reported on the group's progress to their respective communities. Seeking another form of community input, the Working Group also sponsored a community survey (in the six UN languages and Portuguese) regarding community member understanding of and attitudes toward the geographic regions framework.
33. Additionally, public workshops and community discussion sessions and forums were conducted during six ICANN Public Meetings in [Brussels](#) (June 2010), [Cartagena](#) (December 2010), [San Francisco](#) (March 2011), [Singapore](#) (June 2011), [Dakar](#) (October 2011) and [Costa Rica](#) (March 2012) to gather community perspectives on this matter.

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(ii) The written confirmations of support from the SOs and ACs who have contributed representatives to the WG.

In the event the GEO WG (Supplemental) Final Report is not supported by all the participating SOs and ACs, the GEO WG may submit the (Supplemental) Final Report, and the statements of support and disagreement to the ICANN Board.”

### B. Reactions To The Interim Report

34. Understanding the historical underpinnings and evolution of ICANN’s Geographic Regions Framework prompted the Working Group to ask several fundamental questions of the ICANN community in its Interim Report.
- a. Has the existing geographic regions framework produced its desired effect?
  - b. Are the five regions still relevant, reasonable and defensible in the present day?
  - c. Are the regions, in fact, consistent with the international norms of today?
35. The community response to the Interim Report was diverse but limited<sup>16</sup>, Written and verbal comments on the Interim Report addressed a variety of topics.<sup>17</sup> One category of comments addressed the scope of the Working Group’s potential recommendations. A number of comments said the Working Group should not feel constrained to recommend adjustments to the geographic regions framework. A second category of comments focused on the types of adjustments the Working Group 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

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<sup>16</sup> Four (4) substantive and relevant written community submissions were submitted regarding the Interim Report. 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>). Combined substantive comments (both written forum comments and verbal workshop contributors totaled 19.

<sup>17</sup> Some topic areas unavoidably and necessarily overlapped.

- i. The Need to Regularly Review The Geographic Regions Framework<sup>18</sup>

### C. Production of a Draft Final Report

36. The Working Group analyzed the community feedback to the Interim Report and produced a draft Final Report incorporating a number of potential recommendations. Given the extensive consultative nature of this effort and mindful of the potential implications even small changes to the framework could have on the wider community, the Working Group decided to make the draft document available to the community for review and comment before the Working Group formally published its Final Report.
37. As explained in paragraph 29 above, a Draft Final Report was published to the community in all six UN languages on 30 September 2011 for community review and comment. That comment period concluded on 19 December 2011. A total of nine different entities submitted ten comments in the forum regarding the Draft Final Report. The Working Group also collected comments from the community at a workshop hosted on 27 October 2011 at the ICANN Public Meeting in Dakar, Senegal (see <http://dakar42.icann.org/node/27021>). In addition to the normal Public Comment Meeting Report, the Working Group also produced a Public Comment Issue Tracking Checklist to help it capture and track the treatment of various substantive community comments. (see <https://community.icann.org/display/georegionwg/Final+Report+Draft+Issues+Matrix>).
38. The community comments regarding the Draft Final Report prompted the Working Group to hold another Community Workshop during the ICANN Public Meeting in San Jose Costa Rica (see - <http://costarica43.icann.org/node/29703>). That workshop session and the written community comments caused the Working Group to reconsider a number of its proposed recommendations.<sup>19</sup>

### III. Final Working Group Recommendations

39. After much consideration of the community feedback to its Draft Final Report, the Working Group has concluded its deliberations. This section reflects the final recommendations from the Working Group to the Board. It is the product of

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<sup>18</sup> The Staff produced a report of all the community comments (see - <https://community.icann.org/download/attachments/11141619/Report+of+Public+Comments+on+Geo+Regions+Review+WG+Draft+Final+Report+%28Feb2012%29%28FINAL%29.pdf?version=1&modificationDate=1367861580000>)

<sup>19</sup> A significant community point was the concern that potential changes proposed by the Working Group were taking place at the same time that ICANN was implementing the new gTLD program.

substantial community input and Working Group reflections over a substantial period of time.<sup>20</sup>

40. Set forth below, the Working Group outlines a number of specific conclusions and recommendations regarding the ICANN Geographic Regions Framework. The conclusions and recommendations include:
- a) The Working Group concludes that the general principle of geographic diversity is valuable and should be preserved.
  - b) Application of the geographic diversity principles must be more rigorous, clear and consistent.
  - c) Adjusting the number of ICANN geographic regions is not currently practical.
  - d) No other International Regional Structures offer useful options for ICANN.
  - e) ICANN must formally adopt and maintain its own unique Geographic Regions Framework.
  - f) The Community wants to minimize any changes to the current structure.
  - g) ICANN must acknowledge the sovereignty and right of self-determination of states to let them choose their region of allocation.
  - h) ICANN communities have flexibly applied geographic diversity principles over the years. While the Board should remain strictly subject to the current framework, flexibility should be preserved for other structures.
  - i) “Special Interest Groups” or “Cross-Regional Sub-Groups” offer new diversity opportunities.
  - j) Implementation mechanisms and processes must be developed by Staff.
  - k) The Board must preserve its oversight and future review opportunities.

### **A. The General Principle of Geographic Diversity is Valuable and Should Be Preserved**

41. ICANN Bylaws Article 1, Section 2 details ICANN’s Core Values. These include, at paragraph 4, the goal of:

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<sup>20</sup> The Working Group is aware that Section 4 of its charter document holds the potential prospect of another round of community consideration. See Footnote 17 above.

*“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.”*

42. The Working Group’s research reveals that the ICANN community has done a good job of incorporating functional and geographic diversity into the operations of its various communities - if not as part of a clearly delineated strategy, at least in spirit on a community-by-community basis.
43. Because Bylaws Article 1, Section 2 uses the distinct terms “functional”, “geographic” and “cultural” diversity, one could argue that each category should have its own operational principles, framework or system. The Working Group concludes that honoring the spirit of Article 1 Section 2 does not require such comprehensive action but it does obligate the organization to employ a framework that allows those principles to be considered by every ICANN community.
44. The Working Group believes that the general principle of Geographic Diversity is valuable and should be preserved. No dissenting opinions have been received.

### **B. Application of the Geographic Diversity Principles Must Be More Rigorous, Clear and Consistent**

45. 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 Working Group agrees with the September 2007 ccNSO report to the Board that, as currently comprised, the five ICANN geographic regions are significantly different from those defined by the UNSD. The Working Group has found that over time, since the year 2000, any connection to the UNSD classifications has eroded as the concept of geographic diversity has been expanded beyond application to the ICANN Board and has been extended to include other organizational structures (primarily Supporting Organization and Advisory Committees – “SOs and ACs”) within the ICANN community.
46. The application and evolution of the geographic regions structure beyond the Board to more ICANN communities and structures over the past decade appears to have been largely on a community-by-community basis, primarily at the time the Bylaws for each community were originally drafted, and has not been driven by a consistent strategic application of the geographic regions framework.
47. The present ICANN geographic regions do not equate to any internationally recognized method of defining the regions of the world, nor do they reflect the current make-up of the Internet community (and it is questionable that they have ever done so).

48. Despite this departure from the original framework, the Working Group has found that extending the principles of geographic diversity beyond the Board to other structures and communities has been largely positive. However, it has also created a large number of organizational anomalies that should be resolved. As the ICANN organization continues to mature, the Working Group believes it is critical for the organization to adopt a more rigorous approach by re-defining a clear and consistent classification framework that assigns countries and territories to regions.

### **C. Adjusting the Number of ICANN Geographic Regions is Not Currently Practical**

49. Based on its research and exchanges with the community, the Working Group concludes that reducing the number of ICANN regions is neither a desired nor a viable option. For example, community members have expressed concern that the size and allocation of the current regions already requires some community members to travel large distances to participate in regional events. Reducing the number of regions would exacerbate this problem. As no one advocated for fewer regions, this option was not considered further.
50. In addition to promoting geographic diversity, ICANN's structures and processes should lower barriers for participation and engagement by community members as much as practicable. The sizes of the current regions do create circumstances where some individuals must travel long distances for face-to-face meetings. Smaller (more) regions could address this concern. There have also been calls for the creation of new regions (e.g., Arab states and small island nations).
51. However, increasing the number of regions at this time would have a substantial impact on the organizational structure, resources, processes and practices of ICANN. The addition of even one region to the framework would almost certainly require the Board and ICANN communities to adjust or expand their management and administrative structures in some substantial ways.
52. 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. In addition to changing the composition of the management structures, adding a new region to the existing geographic regions framework would likely necessitate the 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.
53. Additionally, some community commenters noted that 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.

### **D. No Other International Regional Structures Offer Useful Options for ICANN**

54. The Working Group has reviewed many different geographic regional structures as applied by various international organizations. The Working Group looked closely at the geographic assignment systems of the UN Development Programme (UNDP), The UN Economic and Social Council (UNESCO), the ITU, The ITU Council (ITUC), the ITU Telecommunications Development Bureau, the ITU Telecommunications Bureau, the ITU Radiocommunications Bureau and the Regional Internet Registries (RIRs). Each system is different. The only common practice between the various UN organizations is for countries to form ad hoc groups to deal with matters of mutual interest. These arrangements 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 are terminated as soon as a matter is resolved.

### **E. ICANN Must Formally Adopt and Maintain Its Own Unique Geographic Regions Framework**

55. Given all the above, the Working Group believes that in the interests of good governance ICANN must formally adopt and maintain its own record of the assignment of countries and territories to ICANN's Geographic Regions.
56. Initially the Working Group was of the view that a suitable starting point for such an assignment already existed within the ICANN ambit. It had been successfully developed and applied by the Regional Internet Registries (RIRs). 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).
57. It appeared to the Working Group that using the RIR system as the starting point for a revised regional framework would have a number of benefits including:
  - a. The number of Regions would remain at five, thus avoiding the significant restructuring that would result from a change in the number of regions.
  - b. Fundamentally, ICANN is a technical organization and so aligning regions with the technical "infrastructure" of the numbering resource allocation system seemed logical and defensible.



- c. If adopted without modification, a total of only 62 countries and territories would move to new regions, but many of these were the result of assigning territories to their geographic region rather than to the region of their “mother country” (see paragraphs 58 and 60-64 below).
  - d. A second group of changes would have been the move of several Middle Eastern and Central Asian countries out of the current Asia/Pacific/Australia Region into the European (RIPE) Region. This would have helped to reduce the very wide geographic spread of Asia/Pacific and also would have satisfied the wishes of many of the countries involved who consider themselves more orientated towards Europe than Asia.
  - e. The third group of changes would have seen much of the English and French speaking Caribbean moving into the North American (ARIN) Region from the LAC Region (and Europe, in the case of some territories). Most of these countries have closer language, cultural and travel links with North America than they do with Latin America. In addition, it would have increased the number of countries in what has previously been a numerically very small Region and should have increased the options for representation and participation within the Region.
  - f. As has been requested, there would have been no change to the African Region.
  - g. It should have encouraged participation as joint meetings of the RIR and ICANN Region should have been possible.
58. The Working Group recognized that adopting the RIR framework would have had some disadvantages, including:
- a. No Arab Region would have been created as has been requested.
  - b. Caribbean countries would have been split between two Regions, partly on geography and partly on language.
  - c. Some countries might not have wished to change Regions.
  - d. Some “countries” might not have wished their territories to be in a different region to themselves.

### **F. The Community Wants To Minimize Any Changes To The Current Structure**

59. The Working Group believed that the measures detailed later in this report (concerning Special Interest Groups) would have helped to ameliorate the

disadvantages outlined above. However, from the publication of the draft Final Report, it became very clear that the community as a whole wished to minimize any changes to the Regional structure. Whereas the Working Group had originally felt that countries and territories should move to a new regional structure based (loosely) on the RIR regional structure, with countries having the right to “opt out” of moving, the preponderance of those commenting on the draft report favored leaving the structure “as is”, with countries having the right to “opt in” for a change in Region if they so wished. This is a disappointment to at least some members of the Working Group as inevitably changes will come about much more slowly under the “opt in” scheme.

### **G. ICANN Must Acknowledge The Sovereignty And Right of Self-Determination of States To Let Them Choose Their Region of Allocation**

60. In order to protect the sovereignty and right of self-determination of states, the Working Group recommends that every country and territory should have the opportunity to request a move to another geographic region. The request should be initiated or supported by the local government of the relevant country or territory and should take into account the views of the local internet community.
61. The existing geographic regions framework applied by ICANN allocates all “dependent or overseas territories” to the same region as their “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. This is not consistently true across the globe. In some cases, the natives of a dependent territory are citizens of the “mother country” - in other cases 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”.
62. ICANN should not become involved in the complex and differing relationships between territories and mother countries, but neither should it impose its own unilateral decisions. Individual territories (or collective community members within those territories) should be able to petition to move to a new ICANN geographic region. However, no territory re-assignment should be made if objections are raised by the Government of the “mother country”.
63. The Working Group believes that countries or territories should be given the opportunity to seek reassignment from one region to another. This flexibility should be subject to the following or similar constraints:

- a. Any application for reassignment should have the support of the government of the country or territory and the local internet community.
  - b. To reduce “churn”, no country should be able to seek reassignment more frequently than once every 3 years.
  - c. Consideration should be given to restricting reassignment to a region that is geographically adjacent to the existing region.
64. Once a reassignment is made, it should be applicable to ALL ICANN structures (SOs, ACs and the Board consistently.)

### **H. ICANN Communities Have Flexibly Applied Geographic Diversity Principles Over the Years. While The Board Should Remain Strictly Subject To The Current Framework, Flexibility Should Be Preserved For Other Structures.**

65. In its Initial Report, the 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. That concept now reflects not only diversity of representation in various communities, but also includes considerations of how community participation is encouraged/supported and affects the management of the organization’s technical and administrative resources as well.
66. The new regions framework should apply to the population of the ICANN Board in a clear and consistent manner, but application of the system to ICANN community structures beyond the Board should allow for considerable flexibility. The Working Group observes that experience over the last decade has demonstrated that individual communities are in the best position to craft unique operational solutions that honor the central goal of geographic diversity within their operations.
67. While the Working Group recommends that ICANN maintain a modified single top-down “geographic regional structure,” how each SO-AC meets the geographic and cultural diversity requirements of that system should be up to them. Those communities may, or may not, make use of the regional framework. It should be noted that the Working Group is NOT suggesting that each SO or AC be permitted to create its own regional framework. Either the ICANN-wide framework is to be used or some alternate method of ensuring diversity can be proposed for Board review and approval.
68. While the Board could conclude that strict adherence to certain standards might be the best way to encourage participation and build-up regional competence or participation in certain areas, 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.

69. The Working Group recommends that the Board give all SO and AC structures the opportunity to review their individual by-laws or charter requirements as they apply to the organizational principles of geographic and cultural diversity. In this context it must give some consideration to addressing current inconsistencies in the application of geographic diversity by the Board, compared to the same treatment by some SO's and AC's. In particular, the principle of geographic diversity at the Board level is evaluated by the citizenship (or residency) of individuals, but some SOs and ACs (for example, the ccNSO and ALAC) apply the diversity rules at the level of countries and territories rather than individuals. Where revisions are recommended by individual communities, then the Board should consider whether subsequent ICANN-wide Bylaw amendments are advisable or necessary.

### **I. “Special Interest Groups” or “Cross-Regional Sub-groups” Offer New Diversity Opportunities**

70. During its research and community consultations, it became clear to the Working Group that evolving international norms obligate ICANN to give increased consideration to cultural and language elements of diversity – particularly as they relate to elements of geographic diversity.
71. Over the past decade, a broader recognition of what “diversity” means to the ICANN community has evolved. Geography remains of primary importance, particularly at the Board level, but additional considerations of culture and language diversity have also been raised from time-to-time in different communities. If ICANN intends to remain true to the concept of “evolving international norms” then these additional elements must be addressable in the context of the geographic regions framework.
72. As the ICANN organization embarks on the next phase of its 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. Under-represented regions or communities who currently are not aware of the importance of ICANN to their work must have the opportunity to find their place in the framework.
73. Formal written submissions and informal community feedback to Working Group members over the last three years reflects an increased awareness of the potential benefits-of and interest-in cultural and language diversity within the ICANN community. For example, during the various public comment opportunities on the Working Group's Initial and Interim Reports, a number of commenters called for an “Arab Region” to be created. Some 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 specific geographic region.

74. The recent success in introducing internationalized domain names (IDNs) is also contributing to the growing concept of potential cross-regional groupings. As of 13 May 2013, ICANN had received a total of 38 individual requests for “fast track” IDNs and 34 IDN ccTLDs are in the root zone.<sup>21</sup>
75. Additionally, representatives of small Island states have talked with Working Group members about the unique characteristics they share (e.g., geographic size, small populations, lack of resources) with other sovereignties that may not be in geographic proximity to them.
76. In this context, the Working Group recommends that ICANN seek ways to recognize and accommodate Special Interest Groups.
77. Some such groupings might restrict their interest to a single SO or AC, while others might span all of ICANN’s communities. This recommendation would permit, for example, small island nations, the countries of the Caribbean or Arab states to come together to promote matters of common interest without necessitating any changes to the “formal” geographic regions framework. Other groups might be more “topic” based. The community made a strong case for the inclusion of these types of groups in their community comments and the workshops hosted by the Working Group at ICANN Public Meetings. The Working Group thinks that such “bottom-up” interest should be recognized and encouraged.
78. At a minimum, the Working Group recommends that the following principles be adopted with respect to Special Interest Groups:
  - a. The groups should be complementary to the formal regional framework, and should not replace it.
  - b. The groups should not form any part of ICANN’s formal decision-making structure but, of course, would be free to promote their interests and points of view as they consider appropriate within the ICANN community and its multi-stakeholder participation and engagement mechanisms.
  - c. The “benefits” of recognition by ICANN would be dependent upon available funds but should be targeted primarily at facilitating communication between

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<sup>21</sup> The requests span 23 different languages, including: Chinese, Arabic, Russian, Sinhalese, Tamil, and Thai. See e.g., <https://charts.icann.org/public/index-idn.html>.

members -- for example being able to hold meetings at ICANN conferences, use of an ICANN mailing list, being referenced on the ICANN web-site, and perhaps providing some teleconference facilities.

- d. Recognition might be dependent upon the group having a minimum number of members.

### **J. Implementation Mechanisms And Processes Must Be Developed By Staff**

79. If the Board accepts its other recommendations, the Working Group recommends that the Board direct ICANN Staff to -

- Develop and publish a publicly available database showing the ICANN Geographic Region to which each jurisdiction is currently allocated (based upon the “old” rules).
- Develop a self-selection process for jurisdictions to apply to change the region to which their territory or country is allocated, and a process for updating the database when a decision is reached.
- Develop and implement a communication plan announcing the self-selection process.
- Provide support to ICANN SOs, ACs and other applicable organizational structures to formally consider whether to continue to the existing framework or to develop their own mechanisms (with Board oversight) for ensuring geographic diversity within their own organizations.
- Develop criteria for evaluating the implementation and effectiveness of the geographic regions framework five years from now.

### **K. The Board Must Preserve Its Oversight And Future Review Opportunities**

80. The ICANN community cannot predict potential communities or participants who are not yet known or may not yet exist. The new geographic framework must remain flexible enough to accommodate new players and potential new regions as they evolve. The Board needs to maintain ultimate oversight over the framework, but the Working Group believes that the present requirement in the Bylaws for a review to be carried out every three years is excessive and impractical. The Working Group therefore recommends a review should be carried out every five years and that the Bylaws be amended accordingly. Adherence to the five-year review cycle should be part of the Board’s ongoing/regular agenda that is tracked and monitored by the ICANN Staff.

## **IV. Summary of Conclusions and Recommendations**

81. The principle of geographic diversity remains an important concept in the ICANN community. This diversity is not only one of geographic presence. Cultural, language, economic and other situational factors that from time to time forge commonalities within the Internet community must also have the opportunity to be addressed.
82. The Working Group concludes that wholesale modifications to the original geographic regions framework is not merited, and recommends that ICANN should adopt its own Geographic Regions Framework based upon the current assignment of countries to regions. This new framework system should govern the make-up of the ICANN Board and should serve as the default for other parts of the ICANN community.
83. For the time being, while continuing to mandate geographic diversity on the ICANN Board, the Working Group recommends that the Board give all individual ICANN Supporting Organizations and Advisory Committees the opportunity to develop or affirm their existing geographic diversity rules and mechanisms or to present the Board with their own particular diversity methodology that is more appropriate to their unique operational and community characteristics.
84. The Working Group recommends that the Board direct Staff to prepare and maintain ICANN's own unique organizational table that clearly shows the allocation of countries and territories (as defined by ISO 3166) to its existing five Geographic Regions. The initial allocation should reflect the *status quo* of the current assignments. However, Staff should also develop and implement a process to permit stakeholder communities in countries or territories to pursue, if they wish, re-assignment to a geographic region that they consider to be more appropriate for their jurisdiction.
85. The Working Group recommends that ICANN seek ways to recognize and accommodate Special Interest Groups to promote the interests and unique attributes of stakeholder communities that may not clearly fit into the formal top-down regional structures. These "bottom-up" groupings would be complementary to the formal regional and decision-making framework, and would not replace it. These groups would be free to promote their interests and points of view as they consider appropriate within the ICANN community and its multi-stakeholder participation and engagement mechanisms.
86. Finally, the Working Group recommends that the Board maintain oversight over the existing framework at all levels within the ICANN organization and review the effectiveness of its application at regular five-year intervals.

## V. Next Steps

87. Before these recommendations can be formally transmitted to the ICANN Board, the next step in this process consists of a final community review of the Final Report document and its recommendations by ICANN's various SO-AC structures. Footnote 15 above outlines the specific process steps for this review and consideration of the Working Group recommendations. The Working Group has determined that community review should extend for a full 90 calendar days after the conclusion of the ICANN Public Meeting in Durban.

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