# ICANN GEOGRAPHICAL REGIONS

## Initial Report by the Regions Working Group
## For Consideration by the ICANN Community

## July 2009

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# Executive Summary

Upon receiving support from the ALAC, ccNSO, GNSO and GAC, and subsequently from the ASO, the ICANN Board appointed the Regions Working Group in January 2009 to 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.

Following a period of public consultation, the Group's Charter (attached at Annex A) was approved by the Board on 26th June 2009[1].

In this report, the first of three, the Working Group attempts to identify the various applications and functions to which "ICANN Geographic Regions" are currently applied by existing ICANN structures.  It briefly documents other regional structures used within ICANN but not defined in the Bylaws.  Finally, the Working Group details, without - at this stage - any comment or analysis, the "issues" that it thinks should be covered during its subsequent investigations.

Finally, the report seeks community input on the following questions:

1. Is Table 1 (Uses of Regions) complete?  The Working Group is particularly concerned that it may have missed draft changes in ICANN's organisational structures that may impact on, or may be impacted by, ICANN's Geographic Regions.

2. Are the "Usage Categories" (See page 5) sufficient and appropriate?

3. Do you agree that the regional structures listed in Table 2 should be outside the scope of this Working Group?  If not, why not?

4. What issues should be deleted from, or added to, the list of matters to be taken into consideration by the Working Group (i.e. Table 3)?

The community is requested to submit its comments by 30 August 2009 at the latest.


# Introduction

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

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[1] www.icann.org/en/minutes/resolutions-26jun09.htm#1.2

resolution in 2000[2], staff were instructed to assign countries to geographic regions on the basis of the United Nations Statistics Division's current classifications[3]. It also introduced the concept of "citizenship" in relation to the use of ICANN Geographic Regions.

Subsequently, ICANN Geographic Regions were adopted in various ways when defining the organisational structures for the ALAC, GNSO, and ccNSO.

Currently the ICANN Bylaws define five geographic regions[4]:

- Africa;
- North America;
- Latin America/Caribbean;
- Asia/Australia/Pacific; and
- Europe.

As a result of the concept that "persons from an area that is not a country should be grouped together with the country of citizenship for that area" some geopolitical entities or territories have been assigned to the ICANN Geographic Region of the "mother country" rather than that appropriate to their geographical location.

In a September 2007 Report to the ICANN Board[5], 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[6], 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.

Following input and support from the GNSO, ALAC, and GAC, the ICANN Board at its meeting in Cairo (November 2008)[7], authorized the formation of the proposed working group.

## Working Group Progress

Representatives of the ALAC, ccNSO, GAC and GNSO were appointed to the Working Group in January 2009. The Group's first task was to draft its charter. This was

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[2] www.icann.org/en/minutes/minutes-16jul00.htm
[3] http://unstats.un.org/unsd/methods/m49/m49regin.htm
[4] www.icann.org/en/general/bylaws.htm#VI-5
[5] http://ccnso.icann.org/workinggroups/ccnso-final-report-regions-wg-240907.pdf
[6] www.icann.org/en/minutes/resolutions-02nov07.htm#_Toc55609368
[7] www.icann.org/en/minutes/resolutions-07nov08.htm#_Toc87682556

submitted for public comment from 18 February 2009 to 24 March 2009, and subsequently was first considered by the Board at its meeting on 23 April 2009. The Board noted that no representatives of the ASO had been nominated to the working group and so decided to hold the matter over for further discussion. A further approach was made to the ASO and two representatives were appointed in June 2009. The draft charter was amended slightly in accordance with Board recommendations and to reflect this increased membership. The revised Charter was approved by the Board at its meeting in Sydney on 26th June 2009[8]. A copy of the approved Charter is attached at Annex A to this report.

As stated in the Charter, the Working Group will produce three reports; Initial, Interim and Final.

## Scope of Initial Report

This Initial Report establishes the foundation for the Working Group's efforts over the next several months and gives the ICANN community the opportunity to highlight any particular matters the Working Group has failed to identify.

In this report, the Working Group attempts to identify the various applications and functions to which "ICANN Geographic Regions" are currently applied by existing ICANN structures. It briefly documents other regional structures used within ICANN but not defined in the Bylaws. Finally, the Working Group details, without at this stage any comment or analysis, the "issues" that it thinks should be covered during its subsequent investigations. "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 xxx into account?" from the Internet community.

This Initial Report does NOT attempt to identify specific problems, if any, associated with the current Geographic Regions (those will be covered in the Interim Report), nor to provide recommended solutions to any such problems. Those will be addressed in the Final Report.

## ICANN'S Geographic Regions and How They are Used

Table 1 below details each reference to ICANN's Geographic Regions in the current or proposed Bylaws, the ICANN body to which it applies, and its "Category of Use".

"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")

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[8] www.icann.org/en/minutes/resolutions-26jun09.htm#1.2

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).

The stated aim is to assure geographic diversity of membership within the relevant ICANN decision-making bodies.

- <u>Participation</u>

    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.

- <u>Operations</u>

    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.

## Table 1 – ICANN's Geographic Regions – How They are Used

| # | Source | Quote/Description of Use | Applies to | Category | Remarks |
|---|--------|--------------------------|------------|----------|---------|
| | | | | | |
| 1 | Art 1, Section 2 para 4 | In performing its mission, the following core values should guide the decisions and actions of ICANN:<br><br>…<br><br>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. | Core Organizational Value | All | Summary of all core values as described in Section 2:<br><br>"These core values are deliberately expressed in very general terms, so that they may provide useful and relevant guidance in the broadest possible range of circumstances. Because they are not narrowly prescriptive, the specific way in which they apply, individually and collectively, to each new situation will necessarily depend on many factors that cannot be fully anticipated or enumerated; and because they are statements of principle rather than practice, situations will inevitably arise in which perfect fidelity to all eleven core values simultaneously is not possible. Any ICANN body making a recommendation or decision shall exercise its judgment to determine which core values are most relevant and how they apply to the specific circumstances of the case at hand, and to determine, if necessary, an appropriate and defensible balance among competing values." |
| 2 | Art VI, Section 1 | The ICANN Board of Directors ("Board") shall consist of fifteen voting members ("Directors"). In addition, six non-voting liaisons ("Liaisons") shall be designated for the purposes set forth in Section 9 of this Article. | Board of Directors | Representation | |

| # | Source | Quote/Description of Use | Applies to | Category | Remarks |
|---|--------|--------------------------|------------|----------|---------|
| 3 | Art VI, Section 2, sub-section 2, para 1 | Directors and Their Selection: ... 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) from countries in any one Geographic Region (as defined in Section 5 of this Article) to exceed five; and the Nominating Committee shall ensure when it makes its selections that the Board includes at least one Director who is from a country in each ICANN Geographic Region ("Diversity Calculation"). | Board of Directors | Representation | |
| 4 | Art VI, Section 2, sub-section 2, para 2 | Directors and Their Selection: ... 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 | Board of Directors | Representation | |

| # | Source | Quote/Description of Use | Applies to | Category | Remarks |
|---|--------|--------------------------|------------|----------|---------|
| | | 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. | | | |
| 5 | Art VI, Section 2, sub-section 3, par 1 | Directors and Their selection: ... 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 from the same country or of countries located in the same Geographic Region. | Board of Directors | Representation | |
| 6 | Art VI, Section 2, sub-section 3, par 2 | 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. | Board of Directors | Representation | |

| # | Source | Quote/Description of Use | Applies to | Category | Remarks |
|---|--------|--------------------------|------------|----------|---------|
| 7 | Art VI, Section 3, sub-section 3 | Criteria for Selection of Directors: ICANN Directors shall be …. Persons who will produce the broadest cultural and geographic diversity on the Board consistent with meeting the other criteria set forth in this Section; | Board of Directors | Representation | |
| 8 | Art VI, Section 5 | International Representation: In order to ensure broad international representation on the Board, the selection of Directors by the Nominating Committee and each Supporting 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 have more than five Directors on the Board (not including the President). | Board of Directors | Representation | |
| 9 | Art VI, Section 5 | As used in these Bylaws, each of the following is considered to be a "Geographic Region": Europe; Asia/Australia/Pacific; Latin America/Caribbean 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.** | Board of Directors | All | Source of Geographic Regions Review Working Group mandate. |

| # | Source | Quote/Description of Use | Applies to | Category | Remarks |
|---|--------|--------------------------|------------|----------|---------|
| 10 | Art VII, Section 5 | In carrying out its responsibilities to select members of the ICANN Board (and selections to any other ICANN bodies as the Nominating Committee is responsible for under these Bylaws), the Nominating Committee shall take into account the continuing membership of the ICANN Board (and such other bodies), and seek to ensure that the persons selected to fill vacancies on the ICANN Board (and each such other body) shall, to the extent feasible and consistent with the other criteria required to be applied by Section 4 of this Article, make selections guided by Core Value 4 in Article I, Section 2 . | Nominating Committee appointments to ICANN bodies | Representation | Interestingly, none of the bylaw provisions referencing the composition of the Nominating Committee refer to geographic diversity. |
| 11 | Art IX, Section 3, Para 1 | ccNSO Council will include 3 members selected by the members from **each ICANN Region** | ccNSO Council | Representation | Definition of electoral constituency |
| 12 | Art IX, Section 3, Para 1 | ccNSO Council will include 3 members appointed by NOMCOM | ccNSO Council | Representation | NOMCOM Geographical diversity rules apply |
| 13 | Art IX, Section 4, Para 7 to 9 | Candidate for Council will be nominated, seconded and, if necessary, voted for by members from within **each ICANN Region**. | ccNSO Council | Representation | There is no requirement for the candidate himself to be a citizen or resident of the Region in question |
| 14 | Art IX, Section 3, Para 2 | Each Regional Organisation may appoint one, non-voting liaison to Council | ccNSO Council | Participation | Regional Liaisons.  See also 16 below |
| 15 | Art IX, Section 4, Para 4 | The **Geographic Regions** of ccTLDs shall be as described in Article VI, Section 5 of ICANN Bylaws.  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 the Geographic Region of a ccNSO | ccNSO membership | Representation and Participation | |

| # | Source | Quote/Description of Use | Applies to | Category | Remarks |
|---|--------|--------------------------|------------|----------|---------|
|   |        | member is unclear, the ccTLD member should self-select according to procedures adopted by the ccNSO Council. |   |   |   |
| 16 | Art IX, Section 5 | The ccNSO Council may designate a Regional Organization for **each ICANN Geographic Region** | ccNSO Regional Organisations | Participation | Only one regional organisation per Region |
| 17 | ccNSO procedure for self-selection of ICANN Region | Territories who are assigned by ICANN to a **Geographic Region** on the basis of "citizenship" may self-select an alternative region. | ccNSO Membership | Representation and Participation | Must be supported by national government. |
| 18 | Art X, Section 3, Para 1 | The GNSO Council shall consist of three representatives selected by each of the Constituencies. No two representatives selected by a Constituency shall be citizens of the same country or of countries **located in the same Geographic Region.** | GNSO Council | Representation |   |
| 19 | Art XI, Section 2, sub-section 4, para I, #3. | Each RALO's Memorandum of Understanding shall also include provisions designed to allow, to the greatest extent possible, every individual Internet user who is a citizen of a country **within the RALO's Geographic Region** to participate in at least one of the RALO's At-Large Structures. | ALAC RALOs | Participation |   |
| 20 | Art XI, Section 2, sub-section 4, para I, #4. | To the extent compatible with these objectives, the criteria and standards should also afford to each RALO the type of structure that best fits the customs and character of **its Geographic Region.** | ALAC RALOs | Participation |   |
| 21 | GNSO Commercial Stakeholder Group Transitional Charter (Draft) | 8.1 …. ensure that the Recognised Constituencies adopt procedures to select two representatives each, from different geographic regions [Comment: | GNSO Commercial Stakeholder Group | Representation | Draft at http://gnso.icann.org/en/improvements/csg-proposed-petition-charter-22jun09.pdf |

| # | Source | Quote/Description of Use | Applies to | Category | Remarks |
|---|--------|--------------------------|------------|----------|---------|
| | | Geographic diversity should be rationalized at the SG level such that not more than x of the 6 Councilors should come from the same region to the GNSO Council]; | | | |
| 22 | GNSO Non-commercial Stakeholder Group Transitional Charter (Draft) | 8.4 …. The NCSG Executive Committee and Board will ensure that, in the selection of GNSO Councilors, no more than two shall come from the same geographic region as defined in the ICANN Bylaws. | GNSO Non-commercial Stakeholder Group | Representation | Draft at http://gnso.icann.org/en/improvements/ncsg-proposed-petition-charter-22jun09.pdf |
| 23 | GNSO Registrars Stakeholder Group Charter (Draft) | 3.3(c)…. The EC [*Executive Council*] will assess/evaluate the slate of GNSO Council nominees/candidates for consistency with broader ICANN Bylaw factors/requirements including interest group representation and geographic diversity. In order to promote broad representational diversity in accordance with principles contained in the ICANN Bylaws, no more than one (1) of the elected RrSG Council Representatives may come from the same geographic region as defined in the ICANN Bylaws. | GNSO Registrar Stakeholder Group | Representation | Draft at http://gnso.icann.org/en/improvements/rrsg-proposed-petition-charter-25jun09.pdf |
| 24 | GNSO Registries Stakeholder Group Charter (Draft) | The RySG shall elect such number of representatives (the "RySG Representatives") to the GNSO Council as is set forth in the Bylaws of ICANN. Elections shall be conducted in accordance with the voting procedures described in Article IX below, and in compliance with all applicable provisions of the ICANN By-Laws then in effect, including those relating to diversity and eligibility. In order to promote broad representational diversity in accordance with principles contained in the ICANN Bylaws, no | GNSO Registries Stakeholder Group | Representation | Draft at http://gnso.icann.org/en/improvements/rysg-proposed-petition-charter-22jun09.pdf |

| # | Source | Quote/Description of Use | Applies to | Category | Remarks |
|---|--------|--------------------------|------------|----------|---------|
|   |        | more than one (1) of the elected RySG Council Representatives may come from the same geographic region as defined in the ICANN Bylaws. |   |   |   |

# Other Regional Structures

Table 2 presents similar information for other regional structures that are used within ICANN but which are not defined in the Bylaws (e.g., regional IP address registries (RIRs) and Staff Regional Managers)

These other regional structures are considered "out of scope" for purposes of this working group review effort, but cannot be ignored because:

   a. The reasons for their adoption may be instructive.
   b. Suggestions have been made that ICANN Geographic Regions should adopt a similar structure.
   c. The ASO appoints two members of the ICANN Board and its constituencies therefore impact the geographic diversity of the main ICANN structures.

## Table 2 – Other Regional Structures

| # | Source | Quote/Description of Use | Applies to | Category | Remarks |
|---|--------|--------------------------|------------|----------|---------|
| Note | | | | | |
| **Note:** <br> Unless otherwise stated, the text in the "Quote/Description of Use" column is directly quoted from the document listed in the "Source" column. Bolded emphasis has been added where deemed appropriate. | | | | | |
| **ICANN/ASO MOU - 21 October 2004**  http://aso.icann.org/docs/aso-mou2004.html | | | | | |
| 1 | Section 6 | Service Regions: <br> The regions serviced by each RIR shall be defined by the RIRs in a manner of their choosing. The NRO shall ensure that all possible service areas are encompassed. | ASO | Operations | Also of interest: Inter Coordination Policy (ICP)-2: Criteria for Establishment of New Regional Internet Registries - 4 June 2001 http://www.icann.org/en/icp/icp-2.htm#fnstar |
| **Internal ICANN Procedures** | | | | | |
| 2 | Assignment of ICANN Staff Regional Managers (as described by a regional manager) | The team of "Regional managers" deals with ICANN's presence in different "regions" (as opposed to each "country" for obvious economic reasons or "continent" for problems of scope). This is to enhance representation (of different stakeholders: governments, ccTLDs, accredited registrars, etc.) in ICANN's operations and policy development processes and also to strengthen ICANN's level of responsiveness to the "regions". <br> The definition of portfolio and area of coverage of each regional manager depends on a lot of variables: personal profile, previous experience, language, nationality, contacts, etc. There is significant cross-support between managers and this can also depend on the nature of issues (e.g.,  if it is government related, technical, business oriented, etc. | ICANN Staff | Operations | Because the Staff operation of the "Regional managers" network is cross-cutting and deals with variables that are extra-geographic, the Staff strongly suggests against using the "Regional managers" network as any means or parameter that may affect any definition of geographic regions in the broader ICANN context. |

## "Issues" or "Matters to be taken into Consideration"

Table 3 presents a list of matters to be taken into consideration by the Working Group whilst conducting the remainder of its work. These have been gleaned from a wide variety of sources including the original ccNSO Regions Report, the GNSO Response to the Board, face-to-face discussions at ICANN meetings, responses to earlier public consultations, etc. As these reflect the formal and informal views of a wide range of stakeholders, including the Working Group itself, many may appear contradictory. This is a reflection of the complexity and sensitivity of the issues involved. At this stage in the process, no attempt has been made to prioritise the list, or to evaluate it in any way other than to group them into three topic areas; General Principles, Allocation of Countries to Regions, and Number of Regions.

## Table 3 – Matters to be Taken into Consideration

| # | Source | Quote/Issue | Topic | Remarks |
|---|--------|-------------|-------|---------|
| 1 | GAC Advice to the Board (14 July 2000) | ICANN should make reference to existing international norms for regional distribution of countries. | General Principles | What "international norms" exist? |
| 2 | GNSO Principle on Relevance of Regions | ICANN regions should take into consideration the varying needs and concerns of different regions. | General Principles | |
| 3 | GNSO Principle on Relevance of Regions | ICANN regions and selections based upon them should provide the opportunity for those needs and concerns to be represented. | General Principles | |
| 4 | GNSO Principle on Relevance of Regions | The makeup of ICANN's regions should be considered in the wider context of the geographical region requirements imposed on all ICANN bodies. | General Principles | |
| 5 | GNSO Principle on Relevance of Regions | ICANN regions should seek to balance three goals: diversity of representation, ease of participation, and simplicity. | General Principles | |
| 6 | GNSO Principle on Relevance of Regions | ICANN regions should enfranchise both existing and future users. | General Principles | |
| 7 | GNSO Principle on Potential Change of Regions | 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. | General Principles | |
| 8 | Art 1, Section 2 para 4 of ICANN Bylaws | 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.* | General Principles | a. Do the present Regions reflect functional and cultural diversity in addition to geographic diversity?<br><br>b. Does the present method of grouping dependent territories with their mother country truly support the principle of geographic diversity? |

| # | Source | Quote/Issue | Topic | Remarks |
|---|--------|-------------|-------|---------|
| 9 | ccNSO Report to the Board | 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). | General Principles | |
| 10 | ccNSO Report to the Board | While the present implementation of geographic diversity leaves something to be desired, the principle itself is strongly supported. | General Principles | |
| 11 | ccNSO Report to the Board | Flexibility is key. | General Principles | |
| 12 | ALAC Review WG Report | 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. | General Principles | |
| 13 | 23 Nov 98 letter from ICANN Interim Chairman to US Dept of Commerce | ….and 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. | General Principles | This statement seems to imply that there should be a some relationship between the allocation of countries to Regions and the "state" of the Internet. a. Was there such a relationship in 1998? b. Do current Geographic Regions take into account the evolution of the Internet since 1998? |
| 14 | ccNSO Report to the Board | Balance is a key issue. The current regions are skewed, perhaps especially in regards to ccTLDs. | Allocation of countries to Regions | |
| 15 | ccNSO Report to the Board | There has been strong lobbying from some African countries that the present composition of the African Region should not be changed. | Allocation of countries to Regions | |

| # | Source | Quote/Issue | Topic | Remarks |
|---|--------|-------------|-------|---------|
| 16 | ccNSO Report to the Board | The allocation of countries to regions should recognise the sovereignty and right of self-determination of states. | Allocation of countries to Regions | |
| 17 | Introduction to current NOMCOM proposal to amend ICANN Bylaws on Geographic Diversity | 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. | Allocation of countries to Regions | |
| 18 | GNSO Principle on Potential Change of Regions | 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. | Number of Regions | |
| 19 | GNSO Principle on Potential Change of Regions | There should be nothing sacred about the number of ICANN regions remaining at five. | Number of Regions | |
| 20 | GoDaddy response to Public Consultation | 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. | Number of Regions | |
| 21 | GoDaddy response to Public | Ideally, the RIR region and the Geographical Region assignment | Number of Regions | |

| # | Source | Quote/Issue | Topic | Remarks |
|---|--------|-------------|-------|---------|
| | Consultation | should be aligned. | | |
| 22 | auDA response to Public Consultation | 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. | Number of Regions | |
| 23 | ccNSO Report to the Board | The five ICANN regions are significantly different from those defined by the UN Statistics Office | Number of Regions | Where did the 5 ICANN regions originate? They do not equate to any other commonly recognised groupings of countries. |
| 24 | ccNSO Report to the Board | Regional structures should take into account geography, culture, language and economic ties.  This may lead to an increase in the number of regions. | Number of Regions | |
| 25 | Informal feedback to the Working Group | 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. | Number of Regions Allocation of countries to Regions | |

# Conclusions

The aim of this Initial Report is to present - for community review - the results of the Working Group's research phase. These consist of the facts, concerns, and issues upon which we will base the rest of our work. It is therefore important that our lists are as complete as possible. Clearly, members of the community can make any comments they wish. However, the Working Group would welcome in particular answers to the following questions:

5. Is Table 1 (Uses of Regions) complete? The Working Group is particularly concerned that it may have missed draft changes in ICANN's organisational structures that may impact on, or may be impacted by, ICANN's Geographic Regions.

6. Are the "Usage Categories" (See page 5) sufficient and appropriate?

7. Do you agree that the regional structures listed in Table 2 should be outside the scope of this Working Group? If not, why not?

8. What issues should be deleted from, or added to, the list of matters to be taken into consideration by the Working Group (i.e. Table 3)?

The Working Group looks forward to the assistance of the community in ensuring that our baseline research is as complete as is possible. The Working Group would be grateful if comments are submitted by 30<sup>th</sup> August 2009 at the latest.

# Charter - Geographic Regions Working Group

## 1. Purpose

The purpose of the Geographic Regions Working Group is to study and review the issues related to the definition of the ICANN Geographic Regions, consult with all stakeholders, and submit proposals for community and Board consideration relating to the current definition of the ICANN Geographic Regions.  The ALAC, ccNSO, GNSO and GAC have indicated their support for the appointment of this working group.

## 2. Scope

The WG shall:

- Identify the different purposes for which ICANN's Geographic Regions are used (e.g. to achieve the geographic diversity of the ICANN Board, to define the structure of some SOs and ACs, and to define constituencies for the election of Council Members of some SOs and ACs).

- Determine whether the uses of ICANN's Geographic Regions (as currently defined, or at all) continue to meet the requirements of the relevant stakeholders.

- Submit proposals for community and Board consideration relating to the current and future uses and definition of the ICANN Geographic Regions.

In meeting these core objectives, the WG shall focus on - but be not limited to - examining the criteria for assigning countries, dependencies and recognized geopolitical entities to a Geographic Region and should take into consideration:

- ICANN Geographical Regions Final Report by the ccNSO Regions Working Group For Submission to the ICANN Board  (24 September 2007);

- GNSO Submission to ICANN Board In Contemplation of Working Group Formation (26 August 2008), and

- Other community advice – including the GAC's advice on the topic (ICANN GAC Communiqué) Advising That International Norms Be Used For ICANN Geographic Regions (14 July 2000).

If issues become apparent to the Geographic Regions Working Group that are outside of its scope, the Chair of the WG should inform the community and the Board of the issue so that it can be taken into account and dealt with more appropriately.

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## 3. Membership of the Geographic Regions Working Group

The Geographic Regions Working Group will have at minimum the following members:

- Two (2) members of the ALAC;

- Two (2) members of the ccNSO;

- The Chair of the GAC;

- Two (2) members of the GNSO;

- Two (2) members of the NRO/ASO

Pursuant to ICANN Board Resolution 2008.11.07.08, the SSAC and RSSAC have been invited and are also eligible to name up to two (2) participants to serve as members of the working group.

The Geographic Regions WG shall select its own chair and alternate chair from the members of the Working Group.

ICANN will provide adequate staff support to the WG.

## 4. Processes and Working Methodology

### a. GEO WG Initial Report
The GEO WG shall publish for public consultation an Initial Report on the topics and issues which - in the view of the WG - need to be taken into consideration to review the current and future uses and definition of the ICANN Geographic Regions at the time designated in the GEO WG Time Line (set forth in Section 5. below). The consultation should include a public discussion with the relevant stakeholders at a designated ICANN meeting.

### b. GEO WG Interim Report
After conclusion of the public consultation period, the GEO WG shall prepare a Interim Report which, building on the Initial Report, assesses 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. It shall also contain a review and analysis of comments made on the Initial Report. The Interim Report shall be published for public consultation at the time designated in the GEO WG Time Line (set forth in Section 5. below).

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**c. GEO WG Final Report**

At the end of the public consultation on the Interim Report, the GEO WG shall prepare a Final Report which shall reflect inclusions from the Interim Report, the comments received on that report from the public consultation period, and the WG's proposals for community and Board consideration relating to the current and future uses and definition of the ICANN Geographic Regions.

**d. Working Group methodology**

In developing its Reports, the GEO WG shall seek to reach consensus.

If a minority opposes the majority view on a particular issue, that minority position shall be incorporated in the relevant GEO WG Report.

The GEO WG at its reasonable discretion is not obliged to include all public comments made on any GEO WG Report, nor is it obliged to include all comments submitted by any one individual or organisation.

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;
(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.

## 5. GEO WG Time Line

| Activity | Date* | Closure* | Minimal Duration |
|---|---|---|---|
| **Publish Initial Report** | July 2009 | NA | NA |
| **Public Comment on Initial Report** | July 2009 | August 2009 | 35 days |
| **Publish Interim Report** | 9 October 2009 | | NA |
| **Public Comment on Interim Report** | 9 October 2009 | 13 November 2009 | 35 days |
| **Publish Final Report** | 2 weeks prior ICANN 37 meeting (February 2010) | | NA |
| **Participating SO's and AC's Support Final Report** | Ibidem | February 2010, ICANN meeting | 21 days |
| **Submission Board Proposal\*\*** | February 2010 | | NA |

\* Latest date possible to meet minimal duration for public consultation period.
\*\* It is assumed in this schedule / time line the Final Report is presented at an ICANN meeting.

## 6. Background and References

The ICANN Geographical Regions were originally created to ensure regional diversity in the composition of the ICANN Board. By ICANN Board resolution in 2000 staff assigned countries to geographic regions on the basis of the United Nations Statistics Division's current classifications, and introduced the concept of "citizenship" in relation to the definition of ICANN Geographic Regions.

Subsequently the concept of ICANN Geographic Regions was applied in various ways as a structuring element for ALAC, GNSO, and ccNSO.

Currently the ICANN Bylaws define five geographic regions:

- Africa;
- North America;
- Latin America/Caribbean;

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- Asia/Australia/Pacific; and

- Europe.

In combination with the concept that "persons from an area that is not a country should be grouped together with the country of citizenship for that area" some geopolitical entities or territories are assigned to the ICANN Geographic Region of the "mother country". As a consequence, depending upon the measurement criteria one uses, either 17% or 40% of countries or geopolitical entities are allocated to different ICANN regions than those to which they are allocated on the basis of the UN Statistics Office.

At its meeting in Los Angeles, November 2007, the ICANN Board requested the ICANN Community, including the GNSO, ccNSO, ASO, GAC, and ALAC, to provide ICANN Staff with input on the ccNSO Council's recommendation ( see references) 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.

Following the input and support from the GNSO, ALAC, and GAC (see references), the ICANN Board at its meeting in Cairo (November 2008), authorized the formation of a community-wide working group to study and review the issues related to the definition of the ICANN Geographic Regions, consult with all stakeholders, and submit proposals for community and Board consideration relating to the current definition of the ICANN Geographic Regions.

The first order of business, for the working group is to draft and seek community input on a proposed charter, and submit the draft document for community review, and Board consideration and approval at the March 2009 Board meeting in Mexico City. In drafting the charter, the working group is directed to focus, but not limit, its work on the criteria for assigning countries, dependencies and recognized geopolitical entities to a Geographic Region, and to take into consideration the relevant ccNSO Board paper, the recent GNSO comments, and other community advice – including the GAC's original advice on the topic in 2000.

Minutes of ICANN Board 16 July 2000 Containing Resolution 00.64 Adopting Geographic Regions Structure (<http://www.icann.org/minutes/minutes-16jul00.htm>)

ICANN GAC Communiqué Advising That International Norms Be Used For ICANN Geographic Regions (<http://www.icann.org/committees/gac/communique-14jul00.htm>)

Minutes of Montreal meeting (June 2003). Reaffirmation of ICANNs Geographic

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Regions (<http://www.icann.org/minutes/minutes-26jun03.htm>)

United Nations Composition of macro geographical (continental) regions, geographical sub-regions, and selected economic and other groupings, revised 31 January 2008 (<http://unstats.un.org/unsd/methods/m49/m49regin.htm>)

Regions Working Group Draft Report for Submission to ICANN Board for Public Consultation 8 August 2008 (http://ccnso.icann.org/announcements/announcement-08aug07.htm)

ICANN Geographical Regions Final Report by the ccNSO Regions Working Group For Submission to the ICANN Board 24 September 2007 (http://ccnso.icann.org/workinggroups/ccnso-final-report-regions-wg-240907.pdf)

ICANN Board Resolution (07.92), 2 November 2007 (http://www.icann.org/en/minutes/resolutions-02nov07.htm #_Toc55609368)

GNSO Submission to ICANN Board In Contemplation of Working Group Formation (http://gnso.icann.org/drafts/icann-geographic-regions-26aug08.pdf)

ICANN Board Resolutions to Form Community Wide Working Group Review ICANN Geographic Regions; ICANN Board Resolutions 2008.11.07.08 and 2008.11.07.09 - 7 November 2008 (http://www.icann.org/en/minutes/resolutions-07nov08.htm -_Toc87682556}

### *Note on Translations*

This document has been translated from English in order to reach a wider audience. While the Internet Corporation for Assigned Names and Numbers (ICANN) has made efforts to verify the accuracy of the translation, English is the working language of ICANN and the English original of this document is the only official and authoritative text.  You may find the English original at: (Link to be inserted upon posting of final translations on ICANN web page