ccNSO Views on:
Final Report of the Geographical Regions Review Working Group

16 December 2011

The Country Code Names Supporting Organization (ccNSO) welcomes this opportunity to comment on the Draft Final Report of the Geographic Regions Review Working Group (WG). The comments reflect the views of the ccNSO.

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

The ccNSO's commitment to geographic diversity, which in turn supports cultural diversity, is reflected in the applicable provisions of ICANN's bylaws and is central to the ccNSO's day-to-day operations. In addition to the three members appointed by the ICANN Nominating Committee, the ccNSO Council is composed of three members from each of ICANN's five geographic regions, each elected by ccNSO members from that region.

The ccNSO also agrees with the WG that the current mechanism to ensure geographical diversity through the designation of five Geographic Regions should be maintained. Although there are arguments both ways (decreasing or increasing the number of regions) the benefits to retain the current five regions outweigh the benefits of creating another structure.

The changes proposed by the WG to align ICANN's geographic regions with the framework employed by the Regional Internet Registries (RIRs) could help reduce linguistic, cultural and travel-related barriers to participation in ICANN processes. Perhaps most significantly, it could expand opportunities for representation and participation by increasing the number of countries in the North American region. At the same time re-organizing the European and Asia-Pacific region may have some unintended side-effects, warranting further exploration. While the ccNSO acknowledges the potential advantages, we also note the flexibility of the current RIR framework which does not firmly delineate address allocation based on a per region basis.

Moreover, in implementing the proposed changes ICANN must be mindful of the orientation, focus and preferences of existing Regional Organizations, such as CENTR, APTLD, LACTLD, and AFTLD, as they may be affected by the proposed changes and which may impact the ccNSO as a whole.

As the Draft Final Report acknowledges, a rigid, top-down imposition of this framework would be both unworkable and inconsistent with other important ICANN values. The ccNSO agrees with the WG conclusion that individual communities and structures within ICANN should have the flexibility to develop their own procedures for ensuring geographic diversity. Given the complex sovereignty issues

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cited in the Draft Final Report, the variety of arrangements currently governing mother-country/territorial relationships, and the variety of working relationships that may have developed within existing regional groupings, the ccNSO recommends that the transition proceed on a purely voluntary, bottom-up basis. Such an approach should permit participants (for example members of the ccNSO) to opt-in to the new regional framework on a continuous basis (as opposed to the "once-only" "opt-out" approach identified by the WG in the Draft Final Report).

The ccNSO is aware of the tension between the technical and operational motivations for aligning ICANN's regions with the RIRs regions, and the political reasons for aligning with mother countries in geographic regions. Certain ccTLDs, such as .pm and .gp, would find themselves moving to the North America region from the Europe region under the proposed structure, despite the political relationship with their European mother country, or the fact that the ccTLD manager is located in Europe (in the case of .pm, AFNIC).

Given the numerous combinations of factors and the absence of an appropriate "one-size-fits-all" for our members, the ccNSO will almost certainly need to adopt an opt-in approach to implementing any new geographic regions structure. The opt-out model requires ccTLDs to take action to return to the status quo, rather than take action to adopt the new system. Finally, at least insofar as the ccNSO is concerned, we also believe that the WG's recommended "one-off" opportunity to opt-out would be unworkable, and prefer to implement any such changes on an ongoing option to opt in to, and subsequently opt out of, the new structure.

As stated at paragraph 52 of the report, ICANN should not become involved in the differing relationships between territories and mother countries. With respect to the ccNSO, the option to select the new geographic regions set-up should be made by the ccTLD operator, the territorial government, the mother-country government, and/or some combination of those stakeholders.

As previously stated, the ccNSO supports the WG's proposal that individual organizations within the ICANN structure should have the flexibility to either adopt the recommendations or develop their own procedures. This would not affect the diversity at the Board or Council levels. Different selection mechanisms determine how the ICANN Board is selected and how the Supporting Organizations (SOs) or Advisory Councils (ACs) are selected.

With respect to the appointment of Board members by the SO, besides a requirement in the ICANN by-laws of the SOs to avoid nominating two directors to the ICANN Board that are citizens from the same country or of countries located in the same Geographic Region, there are no specific geographic region requirements for Board seat selection by the SOs and ACs. The Nominating Committee is tasked with ensuring geographic diversity. Therefore, even if different frameworks are in place at the Board and Supporting Organization level, any duplication or overlapping of geographic representation can be corrected by existing procedures.

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