(Possible) Statement of the Non-Commercial Stakeholders Group on Modifications to ICANN's Geographic Regions Framework

Introduction

1. The Non-Commercial Stakeholders Group (NCSG) welcomes the opportunity to comment on the recommendations of the Geographic Regions Review Working Group in relation to proposed modifications to ICANN's geographic regions framework. We have carefully considered the final report of the Working Group and would like to provide input into its recommendations to the Board. We do so to underscore and support the need for reform in this arena, because the principles of geographic, linguistic, and cultural diversity are both important and relevant to ICANN's activities.

2. The NCSG is the most diverse body in the Generic Names Supporting Organisation (GNSO), with 525 individual and organisational members from 128 countries. As a network of individual end-users and civil society actors representing the interests of non-commercial registrants, we represent a broad cross-section of the global Internet community and are thus particularly sensitive to ICANN's arbitrary grouping of nations into five disparate geographical regions.

3. The final report by the Working Group concludes that the creation of new geographical regions is not merited. Likewise, it suggests there be no wholesale modifications to the existing geographical regions framework. The NCSG does not support either of these conclusions and we encourage the Working Group to better consider the relationship between geographic boundaries and cultural groups, and to see the formation of new regions according to the community's wishes.

4. ICANN uses geography as a rough proxy for addressing overall population diversity. Though geographical boundaries do matter, we encourage ICANN to consider diversity more so along cultural, economic, linguistic, and ideological lines. We do not propose in this statement to settle the question as to how diversity can be improved, but to raise consciousness about this matter.

5. The Working Group's proposed geographical framework is largely a legacy of empire thinking. It proposes that dependent territories be allocated to the same geographical region as their 'country', regardless of their geographical location, thus continuing the cultural and institutional influence of fallen empires. While it is acknowledged that some international institutions, like the European Union, continue to cluster countries together based upon geographical standing, they have a legitimate claim to do so because they are providing their members with a mechanism to reduce cross-border

transaction costs. ICANN can make no such claims. Even so, the European Union divides itself into three categories based on the Nomenclature of Territorial Units for Statistics (NTUS). These are the less developed regions, transition regions and more developed regions, taking into account economic conditions, measurements of population density, demographic distribution, and education/qualification of labour. NTUS itself is not a useful framework for ICANN, as it steamrolls over regional linguistic differences (for instance, the one million native Polish speakers living in the UK are not afforded any privileges because Polish is not an official language of the UK), but the European Union's acknowledgement that within the one geographical region there can be wide variances in power is very important to emphasise.

6. We also oppose the use of the United Nations Statistics Division's classifications of nations and territories as an appropriate model for ICANN to draw from. It is not fit for purpose, as evidenced by the fact that ICANN Staff themselves do not consistently use the UN's regional allocations despite committing to do so in 2000. In addition, it does not appropriately take into consideration geographical nor linguistic diversity.

7. The challenge for ICANN, in resolving this tension, will be in how it equally and usefully subdivides the globe into smaller units to form a part of a new regions framework. In doing so, we ask that ICANN consider larger cultural variations, as well as ethnographic analyses of the regions and widespread public consultation activities to collect subjective experiences to ensure we are developing a relevant and dynamic framework which considers individualism over collectivism. The NCSG would like to be involved in the development of any such policy processes.

8. Paragraph 53 of the report indicates that increasing diversity would be a challenge for some stakeholder communities. Where this is the case, ICANN should help such constituencies address the challenges involved in achieving greater geographic and cultural diversity. We ask that ICANN acknowledge that outreach and engagement activities are particularly challenging for constituencies whose members are individually or organisationally poor, have missions and work agendas beyond ICANN's remit, or who have difficulty freeing up 'worker bees' to be engaged in ICANN's policy development and working group processes.

9. It would not be appropriate - given the Working Group's remit - to highlight how specific operational applications of the geographical regions by Staff have harmed the NCSG or hindered our outreach efforts to recruit new members with desired, specialised skills. However, we would encourage the formation of a Working Group in the future to address these issues.

Response to Recommendations

10. We support recommendation A.

11. We support recommendation B, with the addition of the principle of fairness. The geographic diversity principles should thus "be more rigorous, clear, consistent, and

fair." By fair, we wish to ensure that no one region is given more power or resources than another on a per capita basis. We request the removal of paragraph 63, point B, which says no country may be reassigned to a different region more than once every three years. ICANN should be silent on this matter; countries and territories should be free to make this call.

12. We reject recommendation C, which reads that "adjusting the number of ICANN geographic regions is not currently practical." It is critical that ICANN radically revamp its classifications of countries in order to lower the barriers to engagement and participation in ICANN activities. We would like to see the formation of new regions that are under-represented, according to the community's wishes, as well as fairness in the size of Board and ALAC representation.

13. We accept recommendation D - that no other international regional structures are applicable to ICANN - and support recommendation E, provided that ICANN adopts and maintains a own geographic regions framework which both accommodates and reflects its bylaws and articles of incorporation. We ask that this recommendation be amended to require the participation of the multi-stakeholder community in the development of this framework, and that it not be developed entirely by Staff.

14. We reject recommendation F, which reads that "the Community wants to minimise any changes to the current structure." We are unsure as to how the Working Group reached this conclusion because no evidence was provided in support of this statement. We have reviewed one of your earlier public consultation activities from 2009 - which attracted only [one response](#) from a community member, in support of the formation of a new region - and your claim about a strong community preference does not appear to be supported by this data, nor do we consider this exercise to be a statistically significant representation of the community's wishes. The NCSG is inclined to support a radical overhaul of how ICANN assigns countries and territories to regions, but more community input should be solicited to ensure the community's wishes are being accurately captured.

15. We accept recommendation G with one modification. It is outside the scope of ICANN's remit to become involved in questions of sovereignty. However, we wish to promote usage of the term "states and other collective entities" in place of "states".

16. We accept recommendation H; however, we suggest it be reworded to stress that ICANN requires a community-wide strategy. We understand this is the intention of the report, but how this recommendation currently reads suggests that different supporting organisations could develop their own geographic regions frameworks.

17. We partially support recommendation I. We are in agreement that "cross-regional subgroups" that are not currently aware of ICANN's work - but may become aware of it in the future - should be warmly welcomed into the community. However, we consider it inappropriate to extend the same principle to "special interest groups." If a more precise definition of this term can be provided and agreed upon across the

supporting organisations, our objection may not be sustained. Our fear is that this term could be applied to disputed territories, leading to a situation where ICANN is giving credence to a state that does not accept the autonomous existence of another entity: we would have two distinct categories, states with full status, and "special interest groups" with an inferior status.

18. We partially support recommendation J, in that Staff will need to do the majority of the work in developing internal operating procedures and other resources. However, the multi-stakeholder community must remain involved in all policy-making processes, especially in relation to the development of criteria for evaluating the success and failure of the geographic regions framework.

19. We reject recommendation K in it's present form. We believe that oversight should be a joint community and Board responsibility, particularly on matters integral to the functioning of the ICANN community. While supporting the recommendation to change the bylaws to provide for a review of the geographic regions framework every five years, we also request that the Empowered Community be given the right to reject these changes by a simple majority vote of the Decisional Participants.

20. Finally, we would like to express our concern about the representativeness of the results of this public consultation exercise. While we are strong advocates of evidence-based policy-making, in this instance, the limited number of respondents is unlikely to reflect the views of the global Internet community because most of the responses will likely originate from a small echo chamber of stakeholders with vested interests in preserving the status quo.

Conclusion

21. We are grateful to the Working Group for this opportunity to share our views and trust you will find our recommendations helpful. As you move forward with your work, we ask that you keep the NCSG updated on your progress, and bare in consideration that we would be happy to provide guidance or clarification in any way that we can. Thank you again for inviting our input on your work.