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AT-LARGE ADVISORY COMMITTEE

ALAC Statement on the Geographic Regions Review

Introduction

By the Staff of ICANN

Tijani Ben Jemaa, ALAC Executive Committee member from the African Regional At-Large Organization (AFRALO), originally composed an initial draft of this Statement after discussion of the topic within At-Large, both on ALAC conference calls, but also during a session taking place at the ICANN meeting in Dakar.

On 14 December 2011, this Statement was posted on the [At-Large Geographic Regions Review Workspace](#).

On that same day, Olivier Crépin-Leblond, Chair of the ALAC, requested At-Large Staff to send a three-day call for comments on the draft Statement to all At-Large members via the ALAC-Announce Mailing List.

On 18 December 2011, a second version of the statement incorporating the comments received both by emails and also in the workspace was drafted. The resulting statement is presented here.

On December 19, the Chair of the ALAC requested that Staff open a five-day ALAC ratification vote on the Statement. The Chair also requested that the Statement be transmitted to the public comment process, copying the ICANN Staff member responsible for this public comment topic, along with a note saying that the document was currently undergoing ALAC ratification.

[End of Introduction]

The original version of this document is the English text available at <http://www.atlarge.icann.org/correspondence>. Where a difference of interpretation exists or is perceived to exist between a non-English edition of this document and the original text, the original shall prevail.

ALAC Statement on the Geographic Regions Review

Abstract

This Statement of the ALAC makes the following recommendations:

- Do not follow the recommendation of the ICANN Geographical Regions Review Working Group Final Report to follow the Regional Internet Registry (RIR) model;
- The current geographic regions framework should be maintained;
- In a purely bottom-up fashion, any country should be allowed to request for a change from its current region;
- A formal process should be put in place for a country to request this change;
- A limited period of time should be given to allow a country to submit its change request; and
- No country may seek reassignment more frequently than once every 10 years.

Keywords: Geographic Regions; United Nations; Regional Internet Registry; ALAC; Regional At-Large Organization; RALO; Regional Internet Registry; RIR; GAC.

Introduction

The ICANN Geographic Regions review is of great importance for At-Large because its worldwide structure, organization and its work are based on the five (5) ICANN regions (composition of ALAC, distribution of Regional At-Large Organizations (RALOs), allocation of At-Large Structures (ALSes), selection of Nominating Committee delegates, etc.).

As a result, since the Working Group's initial report, the ALAC expressed its great interest in always considering the primary reason for the introduction of the geographic regions concept in ICANN: to ensure geographical diversity in the Board composition.

Main Statement

The ALAC strongly believes that it should always seek and support broad and informed participation reflecting the geographic, cultural and linguistic diversity at all levels of policy development and decision making in ICANN as stated in the ICANN Bylaws.

The ALAC therefore emphasizes that any geographical regions review should aim at enhancing diversity for a better international representation.

It is because any Geographical Regions Framework is designed for a specific purpose on a case-by-case basis, that no single international standard exists. The International Telecommunications union (ITU) uses several frameworks according to the nature of the structure that will use it. For example, the ITU Radio-communication has a specific geographic regions system that is used for the frequency (and orbital satellite position) allocation, which is different from the one used by the ITU council for the country representation.

The current ICANN model is based on the United Nations classification of countries and territories, from a document entitled "Composition of macro geographical (continental) regions, geographical sub-regions, and selected economic and other groupings", referenced in the ICANN Geographical Regions final report. The responsibility of a territory being part of a region or another, lies therefore firmly in the United Nations document. This safeguards ICANN from needing to provide further evidence and be involved politically as

to its choice of region for a specific country or territory, a safety mechanism that the ALAC has already had to exercise on several occasions.

The Working Group's main proposal suggests aligning the regions to the RIR model. The ALAC finds that the proposed review does not enhance diversity and would not ensure more international representation than the current model.

The RIRs model was built on technical considerations having nothing to do with the diversity. It cannot be the right model for ICANN. If the actual framework is not perfect, the one proposed is worse for the following reasons:

- It does not satisfy the request for which the review was initiated;
- It removes countries from their original regions to which they belong, to a different region, far from their lands, with very different language and culture, and a far different level of Internet penetration (Example: Yemen from Asia to Europe);
- The document makes use of the term "mother countries", a term that can be seen as offensive by some countries and appear to support colonialist ideals; and
- By proposing a new geographical region framework along specific lines, in this case, moving to the RIR model, ICANN would be taking full responsibility over Geographical Region Divide. This would open ICANN to taking the responsibility of deciding matters of sovereignty, international law & diplomacy, including taking sides in unresolved conflicts such as the one between Argentina and the United Kingdom about the Islas Malvinas "Falkland Islands" (See Appendix A)

The draft final report asserts that the current framework has created a large number of anomalies without detailing or even mentioning them. We believe that the proposed framework would create more problems at the representation level, as well as at the political level and will take responsibility for these anomalies. It will not fulfill the main requirement of diversity for which the geographic regions were created in ICANN.

The ALAC would therefore advise that:

- The current geographic regions framework be maintained;
- In a purely bottom-up fashion, any country should be allowed to request for a change from its current region;
- A formal process should be put in place for a country to request this change;
- A limited period of time should be given to allow a country to submit its change request; and
- No country may seek reassignment more frequently than once every 10 years.

Some of these recommendations are actually contained in some sections of the Geographic Regions Framework report.

It is the ALAC's understanding that some countries might wish to request a change from one region to another due to language, culture or ethnicity. Rather than ICANN imposing such judgment, the ALAC suggests to let the country choose.

The ALAC is aware that challenges for such choice are different in each part of the world. In some cases, it might be a clear-cut scenario, whilst in others, the situation is more complex. For example, the ALAC recognizes that in the case of the Caribbean Islands region, letting countries choose whether they wish to switch region might risk leading to dividing the special and unique identity of the Caribbean into two regions.

The system by which a country may ask for reassignment is yet to be designed and we believe that the method would require further study, bearing into account Sovereignty and Self-determination of States. The ALAC suggests that the GAC might wish to contribute to this discussion.

Conclusions

The review will only be successful if it reinforces the objective for which the geographic regions were implemented in ICANN. It is clear that the proposal of the Geographical Regions working group final report does not bring a better diversity, and thus failed in achieving its goal. The ALAC thinks that it is of extreme importance that the review of the geographic regions be done for the benefit of a good international representation, taking into account the interests of all parties. The ALAC has kept this as its main goal in making its recommendations.

Appendix A: Unresolved Conflicts

The Falklands/Malvinas War and its status quo is a classic example of a diplomatic disagreement that spans much more than the scope of ICANN.

While relations between Argentina and the UK were restored in 1989, the islands' sovereignty remains aside as a mutual understanding.

For the sake of example, and making no judgment as to its pertinence or accuracy, we include an example of a comment, transcribed verbatim, received from a contributor living in the region covered by LACRALO. The level of diplomatic detail is such that some other members from the region oppose this (no consensus), and we hope this illustrates the complexity of a situation which ICANN should not pertain to have an answer to.

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Item 50 . *"the request should be initiated or supported by the local government of the relevant country or territory."*

For LAC, natives of the Malvinas (Falklands) islands are Argentine citizens living full indivisible part of the national territory is illegally occupied by an invading power, therefore can't be applied the principle of self, but to be applied the principle of integrity territorial state. The sixth paragraph of resolution 1514 (XV) of the UN General Assembly, enacted on December 14, 1960, states that "any attempt aimed at partial or total disruption [...] the territorial integrity of a country is incompatible with purposes and principles of the United Nations Charter. "

Then, in resolution 2353 (XXII) of January 8, 1968, the Assembly reaffirmed that "any colonial situation which totally or partially destroyed [...] the territorial integrity of a country is incompatible with the purposes and principles of the United Nations Charter."

This will only have two parties to the dispute over sovereignty, Argentina and the United Kingdom. Argentina believes that Resolution 2065 (XX) urged to resolve the dispute through negotiations, taking into account the "interests" rather than "wishes" of the islanders. Argentina considers that is not recognized right to self when referring to the "interests" of the inhabitants of the Malvinas (Falkland Island) and is recommended to be "taken into account" by the two countries dispute the sovereignty.

This scenario can be applied to other territories under dispute or under colonial jurisdiction.

Item 76 - *I have to say as I stated in item 50 in the case of Islas Malvinas (Falkland Islands) in accordance with resolution 1514 (XV) of 1960, the UN General Assembly, self-determination is the free expression of "the will and desire" of the inhabitants of a territory without self-government. Argentina and all the countries that make up Community of Latin American and Caribbean, CELAC (<http://tinyurl.com/6rdbq4p>) believe that is not recognized right to self when referring to the "interests" of the inhabitants the Falkland Islands and is recommended to be "taken into account" by the two countries dispute the sovereignty. Therefore it is necessary to revise this, as ICANN can not and must not take positions contrary to the law of the countries that are keeping a dispute, if you take a different position to that posed by these means clearly a political statement on the matter and I think that this is not desired at this time.*