
ICANN78 | Prep Week – Global Public Interest Framework Pilot Update
Wednesday, October 11, 2023 – 11:30 to 12:30 HAM

AVRI DORIA: Okay. Hello, everybody. I think I'm the one that starts this off.

BETSY ANDREWS: Hang on. Just a second, Avri. I need to read that opening statement.

AVRI DORIA: Okay. That was wrong.

BETSY ANDREWS: That's all right. Hello, and welcome to the Global Public Interest Framework Pilot Update. My name is Betsy Andrews, and I'm the remote participation manager for this session.

I apologize for the late start. We had a little bit of technical difficulty, but we're up and running now. Please note that this session is being recorded, and it's governed by the ICANN Expected Standards of Behavior, which I'm going to link in the chat in just a moment.

During this session, questions or comments can be submitted in the chat, but they will only be read aloud if put in the proper bracketed form as I will note in the chat. I will read questions and comments aloud during the time that Ergys and Avri set aside in this session.

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To ensure transparency of participation in ICANN's multistakeholder model, we ask that you sign in to Zoom sessions using your full name, for example, a given name and a surname. You may be removed from this session if you do not sign in using your full name. And with that, I will hand the floor over to Ergys, Vice President of ICANN Public Responsibility Support.

ERGYS RAMAJ:

Thanks, Betsy. I'm going to pass it right over to Avri, who will start the session.

AVRI DORIA:

Thank you, Ergys. And apologies to all for jumpstarting into it early in the morning here in Kyoto. I'm Avri Doria, and I've been working with Ergys on this project for the last four years. We've now reached a point in that process at the end of a pilot where we want to give the Final Report. We are giving the Final Report for that process. So we'll be sharing with you a bunch of the sort of outputs and outcomes and perhaps ways of looking at it for the future. So with that, Ergys, I pass it back to you.

ERGYS RAMAJ:

Thank you, Avri. Hello, everyone. As Avri mentioned, we've now reached an important milestone in progressing the work on the global public interest in a tangible way. The conclusion of the pilot can hopefully serve as a tool that we can collectively build on for any future work on this topic. So if we can go to the next slide, please.

Let me start at the beginning. Why is this an important topic? How is it key to supporting the work and mission of ICANN? And briefly touch on the work that has taken place over the years. If you were to look at ICANN's key governance documents, namely the Bylaws and the Articles of Incorporation, you'll see an emphasis placed on the importance of the global public interest. Central to all of this is the notion that the determination of what is in the global public interest must be made through an inclusive bottom-up multistakeholder process.

Since 2016, in particular, following the IANA Functions Stewardship Transition, there have been lots of active discussions that Avri and I and others have been involved in this topic across the community. But attempts to either define or operationalize the concept of the global public interest have fallen short. Now, for those of you who've been involved in discussions over the years, you'll probably recall that it became quite clear that trying to capture the essence of the global public interest in an abstract form was a tough task.

So the framework was developed at a time when no specific tools existed to evaluate the relevant public interest on a given issue. There were lots of discussions on what the global public interest is in the first place, how the concept can be operationalized, but no specific tools were available. It was at this point that the ICANN Board recognized the need to prioritize the global public interest as an operational focus. There was a lot of work that went into this process, and in consultation with the community, the Board developed and put out a proposed global public interest framework in June of 2020. So as Avri mentioned, this has been in the works for quite some time.

The goal of the pilot was two-fold. First, determine the framework's use and utility for the Board, and second, demonstrate how or if the community could use the framework to evaluate relevant public interest considerations within a given issue. The goal was for it to serve as a practical tool that links the mandates and ICANN governing documents, as I mentioned earlier, with its bottom-up multistakeholder processes and procedures. In parallel to this, the

Board made it clear that the framework does not change the process by which decisions are currently made. The purpose was really to facilitate a bottom-up multistakeholder driven understanding of global public interest issues. Next slide, please.

Here's a brief overview with information on the outreach and engagement efforts of the Board and the community. This facilitated the gathering of feedback on the proposed framework. There was a month-long community consultation early on during which four community groups participated in. There were three community webinars and two ICANN public meeting sessions. Also, lots of other consultations and discussions took place in between. And all of this helped inform the way forward. One personal observation that may be relevant here is that through all of the feedback that we received, it became clear that the community felt that a framework approach—so what was proposed—seemed to be a good way forward and efforts to create a tool that could be referenced down the line. Next slide, please.

After revising the initial framework, following feedback from the community, the Board felt that a logical next step in the process would be to put the framework to the test. And after discussion, a lot of discussions actually, the System for Standardized Access/Disclosure or SSAD and the new gTLD Subsequent Procedures were identified as the two case studies. The goal was to see if the framework was useful and effective in evaluating public interest considerations in community developed recommendations. Since the community had already delivered its recommendations for both SSAD and SubPro, this meant

that the exercise had to be retroactive. So we had to look at all the information after the fact, which meant that this was a mapping exercise of sorts. Map the framework categories to specific topics or recommendations in each case study.

Org applied the framework's questions to identify global public interest issues and explored how the community considered various viewpoints, and this included minority statements and public comments. We also—we being Org—reviewed existing community documentation to identify evidence that supported public interest considerations in the output of each case study. So the recommendations, essentially. As part of this, we did keyword searches and analyzed the language across all the materials.

Now, it was important for Org to ensure that we did not add our own evaluations to the recommendations that were already developed. The reports for each case study show how the framework could have been used during the policy development process if the community has leveraged this. So for example, it shows how X recommendation, had the framework been used, this is how it could have been leveraged. And of course, what we did is just one possible way to leverage the framework and it was done based on our methodology. But there certainly could be a million different ways to do it.

The pilot study results are highly encouraging. They suggest that the framework could serve as a valuable tool that can be applied in various contexts. We also concluded that the framework would be a lot more effective if it's applied at the discussion stages in the policy

development process. So the retroactive exercise showed significant benefits for both the Board and the community as far as potential future use. So we know that it can be applied after the fact retroactively. We know that it would be even better if applied during discussions as they happen. We also know that it can help to synthesize complex information, which means that it has the potential—and I want to emphasize potential here—to drive significant improvements in relevant global public interest making contexts. Next slide, please.

As I've already mentioned, the pilot was a mapping exercise rather than an evaluation exercise. To run the pilot, ICANN Org followed the same process for both case studies. So first, Org reviewed relevant documentation, including the Final Reports, minority statements, Public Comment Proceedings, and relevant correspondence that determine which topics might carry global public interest considerations. Next, Org mapped the five overall global public interest categories to specific topics or recommendations. We then explored how the community considered the various viewpoints, including minority statements and public comments, as I mentioned a little earlier.

The next step was to apply the frameworks question to evaluate global public interest issues in light of the relevant ICANN Bylaws. The specific findings can be found in the Operational Design Assessments for both SSAD and SubPro and we'll link to those reports at the bottom of this slide. If we can go to the next slide, please.

ICANN Org made significant efforts to consider the global public interest factors in both the SubPro and SSAD recommendations. A lot of the work went into this process, considering the sheer volume of material that needed to be reviewed and synthesized. All of the 22 recommendations or topics in SSAD were analyzed, as well as the 41 in the SubPro report. We also analyzed SSAD's public comments, as well as all comments in the three rounds of public comments for SubPro. Of the five global public interest categories, three out of those were found relevant for SSAD, and all five were deemed relevant for SubPro. And finally, of SSAD's 22 recommendations, 8 had GPI considerations, and of the 41 topics in SubPro, 32 held GPI considerations. Next slide, please.

Our methodology revealed that about a third or 36% of SSAD's recommendations carried global public interest considerations across the three categories, and recommendations are shown here. Here you also see which specific recommendations carry these considerations. All of this information, of course, is laid out in the Final Report. If we haven't already done so, we will include the link to the Final Report in the chat so you have an opportunity to look at the details. The Final Report has already been published on the wiki. Next slide, please.

So similarly, it revealed that 78% of SubPro recommendations carry global public interest considerations across all five categories. In the recommendations shown here, this is a much longer list. Looking at the SSAD and SubPro numbers individually and collectively, they suggest that the global public interest is in fact an important factor in these

discussions. And this aligns with the notion that the global public interest is central to the work of ICANN. Next slide, please.

The exercise itself highlight that the framework can be useful, as I mentioned earlier, and applicable within PDPs. It offers a set of categories and language to facilitate discussions, as well as address the global public interest in a more predictable and systematic manner. And likewise, the pilot also showed that the framework is likely to be more effective if discussed and considered, again, during the PDP rather than after the fact. The community's potential use of the framework would allow for proactive consideration of the global public interest during the policy development process. Both pilot exercises also highlighted there's no singular public interest. Rather, there's a need to consider and balance various global public interest considerations instead of focusing on a single element. And ultimately, the framework helps the community have a conversation about what that means in each instance, and also the Board can benefit from the community creating records of those discussions. Next slide, please.

The framework could benefit from further updates suggested by the community in the engagement sessions and during the consultations that were held during the pilot phase. One suggestion is to add a problem statement explaining why the issue is being addressed in the first place and what the global public interest considerations are being discussed. This would provide more clarity and help to improve the current first step in the process where we now have a binary yes or no option to the question of whether the framework should be used.

Another recommendation is to tweak the categories within the framework in the SSAD and SubPro exercises. Similar findings were grouped together thematically, even though they fell under different global public interest framework categories. Now, as this work evolves, we suggest that the Board or the community consider expanding or reorganizing certain categories to ensure all relevant information is captured. In just a moment, we'll share a graphic that shows the suggested new category groupings.

Another suggestion is to consider adding additional terms of the framework to ensure that all global public interest related comments are captured. For example, human rights and underserved were terms that were used during the pilot to help with keyword searches. But there could be more. Now, overall, these updates could improve the frameworks effectiveness and provide more clarity for both the community and the Board. Next slide, please.

This graphic captures the proposed framework categories. As you can see, things like human rights and underserved communities have been added to the category about the benefit to the Internet community. Some terms such as innovative now appear in multiple categories as relevant. I think it's important to clarify that the framework is meant to be a living document. It will continue to evolve with new categories added or clarified. And the more it is leveraged, the more it is used, the more likely it is for those who are using it to identify areas of opportunity.

I think I'll stop here and hand it over to Avri for the summary and next steps. Avri, over to you.

AVRI DORIA:

Okay. Thank you. Next slide, please. So we've gotten to the point— basically, it reinforced the Board's need to have a tool and to use a tool when basically making the final determination that the Board always needs to make on any of the resolutions: is this in the global public interest? And it basically opened up the categories a lot more so that the Board had a more constructive discussion, I think, of what they were looking at.

It was also interesting to see that there was a fair amount of community support of it, though there was also at times you must admit community are skeptical. How does this fit in? Does this make more work? How does this fit into the policy development processes that we've got? But in general, the response has been positive in several of the Advisory Committees seem to have had accepted it as a useful tool, though certainly not a fully developed and ready to be used. So it would need to be looked at in terms of how does it fit to their work parties? How does it take things on? It does help have sort of Terms of Reference, a framework for discussing, and for evaluating, hopefully in a more consistent way so that one then can look at several decisions that the Board had made over time and say, "Yes, we understand the values, we understand the terms, there is a consistency to it."

So the Board has through this pilot and I think going forward encourage people to try and use these categories to try and fit them in. One of the things that wasn't discussed earlier but is discussed in the framework and in the discussions is that we felt that there was not a need to change the bottom-up process that we have but that the framework basically sort of connects into that process in various ways. So hopefully, it's an aid to the policy process as opposed to extra work, make work that needs to be done. Let me go on to the next one.

So the next step is what do we do with it? Do we take this? Do we continue? The Board will be having a discussion, I believe, starting in the workshop coming up, and then one would think possibly continuing into the future about the utility of it. Does it need more work? How do they keep using it? I have certainly a strong hope that over time, the Board will continue to use this. Likewise, separately, but intertwined, the community's going to need to look at it and say, do they want to use it? Do they want to fold it into their process? Do the Advisory Committees want to fold it into their advisory comment processes? Likewise, do the Policy Development Support Organizations want to more formally look at some of these questions while they're going? So does this go from a pilot to a standard part of ICANN's process going forward, both for the Board and the community? Depending on the community's decision, then the Board would have to intertwine with what the community decided, etc.

We think there's a benefit in using it moving forward. It makes decisions explicit. In other words, it's easy to say it is in the global public interest.

My gut says it's in the global public interest, we all agree. But this gives us a basis for distinct issues that we can discuss. It structures the conversation. It gives us a way of looking at it. It frames the discussion. Now, anything that frames the discussion needs to be a living document because you don't want to live with an old frame as the world changes, as the understanding of ICANN's role and its global public interest, concerns, and responsibilities start to modify.

One of the things that happened during the time of the pilot is the human rights work and the Bylaws were accepted. And such, because we had the human rights framework, we started to see work also on human rights impact assessments, something that we could do a lot more of perhaps over time. How does then this framework sort of help build that ability, that human rights impact assessment connection to our global public interest? So that when we're talking about a global public interest, we really have a solid understanding of our relationship and the impact we make on things like human rights. And as ICANN evolves and takes other issues up as an impact analysis would be good for this or for that, it's something that can also be fit into the assessment.

Okay, let me see. Is there anything else I needed to add on that? So the community needs to talk about it, the Board needs to talk about it, we need to talk about it. Between the groups, we need to be inclusive. We need to basically look at it now and see how we're going to use it going forward and how we're going to further develop it if we are. Is there a next slide or is that where we go into community discussion?

We have this one. I can talk about this a little. One of the things that the Board developed on this is when are we going to use this process? And how are we going to look at it? So we sort of developed this. There was the pilot and how we went through it. Oh, no, no, no, sorry. This was the framework process. This sort of gives us a talk through it. Is this something that you were going to talk to, Ergys, or was I?

ERGYS RAMAJ: No, this was meant just to be as background for those who wish to access the material after. We can open the floor for questions or comments at this time, if that's okay with you, Avri.

AVRI DORIA: It certainly is.

ERGYS RAMAJ: Okay, Betsy, if I can go over to you and ask if there's any questions or comments. I don't see anything in the chat. Perhaps someone would like to ask a question live. We've got about 28 minutes for the discussion, plenty of time. So if anyone who has any questions or comments for us, please.

BETSY ANDREWS: There are currently no questions in the chat or in the Q&A pod. If you would like to ask a question, please raise your hand and we can call on you.

ERGYS RAMAJ: We must have done a really good job at explaining the topic.

AVRI DORIA: Well, that's one possible explanation.

BETSY ANDREWS: Would anyone like to make a comment or ask a question? We'll give you another minute. "It was clear," Cheryl says. Fantastic.

ERGYS RAMAJ: As we wait, I just want to remind everyone that the Final Report has been published on the wiki page, and I see that the links have been posted several times here in the chat. If you have no questions now, that's fine. Please do take the time to visit the wiki page. Take a look at the Final Report. If there's any questions that you may have following this webinar in the following days, in the following weeks, please do feel free to reach out to myself and Avri. We're happy to answer any questions or comments that you may have on this topic. This has been four great years of the project. Avri and I have done a lot of work on this in the background. We've greatly enjoyed it. And this feels like some nice closure to finally conclude this pilot.

AVRI DORIA: If I can add a comment while people are taking their last introspection on whether they have any questions or any ideas on how they think this

thing should go forward. I have very much enjoyed working with Ergys on this over the past four years. I think it was a worthwhile effort. I do feel that for the Board, it has a tool going forward. It would be great to see it further developed, further used, further part of our normal toolkit that the Board uses, that the community uses, to sort of communicate and make sure that the community and the Board are really speaking the same language on something, that we're understanding each other, that the Board is understanding where the community comes from, and that the community understands where Board decisions. If the Board says, "No, we don't think that was in the community," then the global public interest, well, then there's something to hang their hat on and say, "Well, this is why and such." So I really think it was a worthwhile four years. I hope to see it grow and be used. But it really is now up to the Board going forward and the community going forward. It'd be interesting to see how it goes. Thank you.

ERGYS RAMAJ:

Thank you, Avri. I think since that I don't see any hands, no comments in the chat, we could potentially end the call and give everyone some time back. So with that, I just like to thank everyone for your participation. Again, I strongly encourage you to visit that wiki page where you can access the Final Report. And as I mentioned, if any questions or comments, whether it is in the next few hours, weeks or months, please feel free to reach out to myself or Avri, and we're more than happy to engage. Thank you again.

BETSY ANDREWS: Thank you for your patience and participation.

ERGYS RAMAJ: Bye, everyone.

AVRI DORIA: Bye.

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