ICANN72 | Prep Week – The Global Public Interest Framework: An Update
Wednesday, October 13, 2021 – 14:30 to 16:00 PDT

BETSY ANDREWS: Welcome to an update on the global public interest at ICANN. This session will be led by Board member Avri Doria and ICANN Org's vice president public responsibility support, Ergys Ramaj. My name is Betsy Andrews and I'm the remote participation manager for this session.

As you know, the public interest is an interesting and nuanced term to define, but we can all agree that following the ICANN expected standards of behavior is in the global public interest. As such, ensure that you adhere to these standards which have been linked in the chat.

Please also note that this session is being recorded. During this session, questions or comments will only be read aloud if submitted within the Q&A pod. I will read them during the time that Avri and Ergys designate.

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To view the real-time transcription, click on the closed caption button in that Zoom toolbar. And with that, I will hand the floor over to Avri Doria to introduce this update to the global public interest at ICANN.

ICANN PREP WEEK 72

AVRI DORIA: Thank you, Betsy. Welcome, all, to this session. It's been a while since we've actually come and reported on this, so very happy to have the opportunity to come here and speak with Ergys and give you the update of where we're at.

So the global public interest at ICANN has been one of the Board's operational priorities for several years now. We started out working on how to deal with the problem of how do we define the global public interest. Then we spent a year and basically came up with a framework that said if we can't come up a definition, well, can we come up with a framework that will guide us to make decisions that are that way?

I happen to be the Board member who was assigned the token of this Board operational priority and therefore, it's one of the reasons I've gotten to know Ergys and had the honor of working with him all these years.

So the global public interest and finding a framework, finding a solution to it, has been on our table, on our docket as something to work on for quite a while. So this session is going to take you through a little bit of the work of how we got to the framework, what the framework looks like. There have been discussions previously that went into depth on these, and you'll find those in the Wiki space for the GPI and I assume that that URL will be given to you. So we won't go perhaps as deeply into that, but we will go into it.

And so we'll look at the framework, the practice that's going on, and if you haven't seen the paper on it, I do recommend you read it. It has far more detail than we could possibly give you in this session. So with that, can I have the next slide, please?

As I sort of indicated, the first thing we're doing as we travel our way through the boxes is we'll go into the background a little, then we'll look at what are some of the key considerations in determining a framework, how is it anchored, what is it based on, how …? Then we'll look a little bit at the framework and an overview of it. Then we'll get into the part that's very current, and that's the process and the pilot that's being done on the SSAD recommendations. That is the first of the pilots we're running on it, so Ergys will be able to get into some degree of detail of what's going on there, and then we move to the questions part of the session.

So hopefully, we'll have time for some good Q&A and some good questions. And at this point, I'd like to turn it over to Ergys to cover the next part. Please.

ERGYS RAMAJ: Thank you, Avri. Hello everyone. Good morning, good afternoon, good evening. This is Ergys Ramaj for the record. The global public interest is one of those topics that has been around since the very early days of ICANN. Over the years, the community has engaged in a lot of discussions on how to move the conversation forward.

The articles of incorporation provide clear guidance on the scope of those conversations, and that is that at ICANN, the global public interest is linked to the mission. Specifically, it is about promoting the global public interest, operational stability of the Internet.

This means that any discussion on the topic must be limited to the remit of ICANN rather than public interest more broadly. Of course, it goes without saying that the broader discussions on the topic can—and in fact have—informed the more ICANN-specific conversations. But in applying the concept, the focus must be on ICANN and its remit.

Another important element that is key to this conversation is that any determination of what constitutes the public interest must be made through the bottom-up multi-stakeholder process. This is to say that it is the community that determines the public interest on a given issue. Next slide, please.

The importance of the global public interest to ICANN is captured in a number of framing documents. As you see on the slide, for those of you who can see the slides, the pre-transition bylaws, the affirmation of commitments, the articles of incorporation as well as the new bylaws, post-transition bylaws, all have language pertaining to and referencing the public interest.

A lot of the discussions and work that has taken place over the past seven to eight years have been useful in advancing the conversation on this topic. For example, there is now a good understanding of what the concept means, both broadly and also in the context of ICANN, and also how it is understood and applied in different regions and contexts.

ICANN PREP WEEK 72

One of the challenges has been to apply or to operationalize the concept and the work that is taking place. And part of the challenge has been to find a way in which to incorporate the public interest as part of the decision making in a structured and consistent fashion. Next slide, please.

So this slide covers additional background information dating back, again, a few years. I see many familiar names in attendance today, so many of you have in fact contributed to these efforts. There was a definition of the public interest at ICANN that was proposed by the ICANN strategy panel on the public responsibility framework back in 2014, but this was more of a starting point rather than a destination, and the community used it as an opportunity to get the conversation going.

Now, part of the evolution of those discussions included a number of plenary sessions at ICANN meetings, and some smaller, more targeted discussions. And all of these have helped a great deal with raising awareness and furthering the understanding on the topic.

The more involved conversations, as Avri mentioned at the beginning, have been around the definition of the global public interest itself, around the concept. And if I could summarize at a very high level, those in favor of a definition had argued that without a definition, it is challenging to operationalize what is an abstract concept. We need something more concrete to go back to and reference, and potentially use that as a barometer or as a scope for those discussions, the argument goes.

On the other hand, the no definition camp has argued that because the concept is context-driven, it is fluid, any definition cannot account for all of the possible considerations that could arise on a given issue. What could be the public interest on a given issue today may not be the same in a different time and context.

So by definition, a definition becomes obsolete. I will pause here now and hand it back to Avri who will discuss some of the latest efforts that seek to move this conversation even farther. Avri, the floor is yours.

AVRI DORIA: Thank you. Next slide, please. Historically, and through the work, there really were no tools. We really had to work sort of as we went. But for the Board, the global public interest has always been a requirement but certainly in the last years with the requirement that every decision, not only be in the global public interest but be able to say how it is in the global public interest.

And given the context of the articles and of the bylaws, that gave us the framing for this framework that we'd built and sort of, as opposed to the continual search for a definition—and it's possible that someday, we will find a definition that suits everybody and everything, the unified field theory of global public interest. But in the meantime, this framework should help guide us and should help us find our way along and give us a structure within which we can work, a structure for which when we say that we believe that something is in the public interest, we have something more than our logical arguments and our handwaving to argue, but we can go back to our anchors, we can go back to our

ICANN PREP WEEK 72

articles, we can go back to the mission. So it's to help us have these discussions, to help frame them, and it'll hopefully give us some of the flexibility we need.

Now, part of working within this framework is really a statement that we are committed to this, we need to understand it, we need to make our decisions in this. But going back to the articles [inaudible] the understanding of the global public interest comes from the bottom up. The Board doesn't get to invent it, it's in our articles, it's in our bylaws, and it must motivate us.

One of the things that we try to do in looking at this framework in addition to how do we make it take into account the bottom-up nature of the global public interest at ICANN is to not suggest any changes to how the process works, how the process has evolved, how the various SOs and ACs do their process. We could define certainly what the Board process is, but we wanted to make sure that the work that we did, that the framework we did, sort of worked in parallel with the process that we have. So that formed a lot of the framework. So we believe at this point that the framework does not put any change requirement on any of the processes that are used to develop policies and positions at ICANN. Next slide, please.

Thank you. So it links our mandates, as I said. The governing documents, these are documents that certainly sitting on the Board, I don't know of many meetings or many weeks or even sometimes many days when I don't go back to the bylaws or to the articles to see what

ICANN
PREP WEEK 72

they say, to see what [they make] permissible, what constraints they offer. For example, the constraint of the mission.

So it basically goes back to being anchored in those bottom-up multi-stakeholder processes and procedures. It gives a method that we can use in each situation to look at it, to do an analysis of that situation and see which of those elements, which of those anchors, which of the bylaws and the article are really the governing thought within a particular decision. In other words, how do we match the context to the bylaws and such that we have?

So we focus on that context. We look at the decision, and you'll see some more example of that perhaps when Ergys is talking about his application to SSAD, and I may talk a little more in the next slide or two. But basically, as opposed to the philosophy of what is global public interest and as a student of philosophy, I definitely love those discussions, and I think many of the concepts and definitions we came up with are really quite elegant and quite good, but each one was subject to a counterexample here and there, "but it wouldn't work in this case, but what does it say about that case?"

And so working with that, basically, we got to the point of we need to do something now. We need to have a framework that helps guide us. And should a definition ever arise, we'd certainly use it and deal with it, but until such time, this framework is to try and guide us, help us and facilitate sort of the working with our multi-stakeholder model to make a determination so that by the time the Board gets to its decisions, we have the basis to sort of say, "Okay, when we're looking at the global

ICANN PREP WEEK 72

public interest, we see that this has said this and this has pointed to that one of the bylaws and the other one said the other." And we can put that all together in a context and hopefully come to a conclusion that is indeed consistent with the global public interest that is the commitment that we have at ICANN. Next slide, please.

So we've talked about this a little bit. It's certainly not universally agreed, but among many, there's been this common understanding that a strict definition isn't at hand and we can't necessarily count on it. The GPI not only at ICANN but in almost every situation has a context-driven aspect to it, especially since there were so many things that drive what makes something in the public interest. It's rarely just one thing or just another, but it's usually a balanced combination of things. So that's why, again, we're working in this framework.

As I said before, the framework doesn't replace any existing process, it's being formalized. At the moment, we're still in the pilot, but the notion is to formalize it within the context of current existing practices. It can be used standalone. So the way a PDP is done, the way a cross-community working group is done does not change at all. There may be a couple questions they ask themselves along the way that come out of this framework, but it can stand alone and doesn't need to take up much of the mindshare of those working on the policy or the recommendation.

When we come to determining the global public interest, basing it, as we do, on community statements, community utterances, community work, we believe that we can come up with a notion of it that does

ICANN PREP WEEK 72

match the community's notion. And of course, since things go into review very often and [there's discussion,] we also get the feedback on it. It is a tool. It doesn't dictate, it provides guidelines, it provides a framework that we can work in. It certainly doesn't constrain what we can be talking about or what we can be making policy on that's constrained by the mission itself. But the framework allows us to basically look at that in a coherent manner.

So it's a tool. It's a tool that the Board can use, but it's also a tool that we hope over time can become useful to the community and can become something that they use. And sort of that linkage to the bylaws is what we hope makes it useful. And over time, we may actually get feedback in advice, in recommendations and such that addresses it. When I look at some of the PDPs I've had lately, I already see bits and pieces of it creeping in. I can see in advice and in recommendations where they've touched on those anchor points and they've made statements about bylaw relationships and the global public interest aspects of their decision. When a PDP takes into account all the opinions, all the comments they've gotten within one of their consultations or within the document review, again, it allows the amount of accumulated statements and perceptions of the global interest to build up so that by the time the Board has a recommendation and has advice and needs to figure out, okay, looking at all of this, how do I balance it, how do I find the global public interest? And that's sort of the purpose and the function of it. and the way it's being used in the pilots at the moment. Next slide, please.

It's a process. There's a framework and we have developed a process within the Board for how we use it, etc. It's not something we necessarily will do for every Board decision. Some Board decisions are fairly simple, fairly direct, don't have a large complex of issues that may or may not be in the public interest. Many of the issues have barely any comments and it isn't needed.

So one of the first things that the Board does is basically consider whether we actually need to use it. Certainly, in this [year of the] pilot, we picked two candidates, and Ergys will talk about at least one of them more. One has yet to begin or is just beginning. And basically, the SSAD was certainly an issue where there seemed to be a lot of discussion around, is it in the public interest or not? What about it puts it in the public interest? In what ways does it do that? Etc.

So it has all those questions. There's a variety of public interests that get touched upon on it. So the decision was made that, yes, we would do it. Likewise with the subsequent procedures. There's many issues. If we look at the comments that we've gotten, if you even look at the recommendations themselves, there's a lot of discussion of public interest and whether something is in or out and its use. So that is all information that is bottom-up information that can be used, but it's also information that sort of drives it and said, "Yes, this is a good place to try the pilot."

So we look at the categories, and I think the next slide—where does the categories come? I'm not sure. The categories are in the next slide. Sorry. So as opposed to going through the whole process, but basically,

we could go back to that one or that, I just mentioned the categories and I wanted to make sure I knew when we were going to speak of them. But we go through a whole process, we determine if it's useful, we go through the pilot, we do it.

Can I go back to that slide? I'm handwaving at the moment. Yeah. And it's probably hard to see. So basically, we go through the base categories that I'll look at next, we then answer the various consideration questions that come out of it, we look at the relevant bylaws, reach consensus on the issue, record a summary of the issue and the decision. So this is all. there are various places where the community is informed. There's a Wiki where these things get informed.

We then publish the decision, and as always, there's a rationale, but in this case, the rationale would be dependent upon the use of the tool. Then the global public interest shepherd on the board—which this year happens to be me—reviews our use of it. Did it work? Did it help us? Do we need to refine the process at all? Is it a useful process or not? Especially during this pilot, but even as we go on, it's a tool, it needs to be flexible, it'll need to grow and change with the times. So then we at the Board after doing that analysis will work with Org, provide feedback to Org, will record all that in a GPI toolkit to make sure the community is fully informed, will look at whether we've got to change it or not before using it the next time, and as we're doing this, we'll be providing regular updates. This is kind of one of them. And there'll be updates also on the Wiki and at other times, there'll be reports at the end, etc. Next slide, please.

So the section we're in at the moment is we've already decided that it is warranted, it is used. The issue categories were defined and we're looking at—so those categories are basically there's five of them defined that were the aggregation of things in the bylaws and in the articles. And for that, I recommend that you go back to the articles and such because that's a longer discussion that has been done and will be done again but isn't part of this discussion. But we'll look at technical coordination and what are the public interest categories there, stable, secure, open and resilient, the role in a DNS marketplace, competitive, fair and trusted.

Now, these are just single word items, but when you're looking at those, you start with those words but then when you're in the paper, you'll be able to look at the quotes and see that for example, when looking at the word "diversity," then you get the bylaw. Will it respect the creativity, innovation and flow of information made possible by the Internet because limiting ICANN's activities to matters that are within the mission and require or significantly benefit from global coordination? And that's commitment A3. Or will it employ open, transparent and bottom-up multi-stakeholder policy? Etc. from commitment A4.

So when you look at that paper, for each of those words, you will find its expression in the bylaws. So all the way through, this remains anchored to them. For example, the one that's there, if an issue relates to ICANN policies and practices, will it, subject to a limitation set forth in section 27.2 which have been met within the scope of its mission and other core values respect internationally recognized human rights as required by applicable law?

So this is the human rights clause within the bylaws that was limited by 27.2 but with the Board's approval of WS2 became operational. It is part of that. And that's just one example. Another example might be—I don't know if I need to give another example at the moment, but basically, for each one of those—and that's why I say it's good to go back to the paper and look at that, it's also good to go back to the paper because in looking at it, you may decide that something else is needed, that something is missing, that there's a gap. And we're always looking for that because it's a framework and frameworks grow as they get used and as people comment on them. I think I'll stop talking on this now and pass it back to Ergys for slide 11.

ERGYS RAMAJ: Thank you, Avri. So as Avri mentioned, the Board identified two specific test cases or case studies to test the proposed framework against as part of the pilot. The idea was to look forward rather than back at all cases to make the exercise relevant and timely.

The first case study is on the standardized system for access and disclosure or SSAD recommendations. The second one is the SubPro recommendations. The Board is overseeing ICANN Org and running the pilot, and from the Org side, we're very close to completing the first phase of the pilot with the SSAD recommendations.

I think it's important to mention that during this process, the community was also encouraged to pilot the proposed framework and to share any feedback and experiences. Next slide, please.

The pilot is being run in the context of the Operational Design Phases for both processes since this allows for the opportunity to better manage resources and have the project be timebound. The question that is being asked as part of this exercise is as follows. "What impact, if any, do the EPDP phase two recommendations have on the global public interest as evaluated using the procedural framework that was published in June 2020 and is currently being piloted?"

So we looked at the recommendations through a public interest lens and added some parameters around it. So in term of scope, we are trying to understand the extent to which the community took into account the public interest considerations in developing the recommendations. That's the first step.

We're also looking to demonstrate how the framework could potentially be leveraged in future community work, and last but not least, whether the considerations that were taken into account could have potentially been further facilitated by the use of the framework. Next slide, please.

So we also try to map out a clear set of steps to help us with the overall effort. First we looked at which of the community developed recommendations have public interest considerations. Then we mapped those considerations to the proposed framework, the categories and the specific issues which Avri just covered.

The next step was to apply the guiding questions from the framework to the recommendations, what were the rationales provided and how and if they address the guiding questions. Then this is followed by

weighing the various viewpoints and considerations because taking into account all of the relevant community inputs. Next slide, please.

In mapping the pilot, we identified a total of eight recommendations with public interest considerations. These re cs fall into three overarching categories, again, from the framework. Specifically, these are security, stability, accountability and transparency, and fiscal responsibility. We took the relevant recommendations and of course grouped them accordingly.

As mentioned briefly, we applied the questions and the framework and explored if and how the community took into account all of the various considerations and views, including minority statements.

The eight indivudals recommendations we identified also resulted in what is called strong support but significant opposition or divergence designation from the community process. Next slide, please.

This is the last slide, which shares some of our initial observations from the first half of the pilot. The first one is that it appears that the community carefully considered the public interest and its work, and the public interest is addressed in the rationales that were delivered.

The second observation is that the various viewpoints were also carefully considered and accounted for. As this process moves forward, we do note that there is an opportunity for the community to continue to identify potential areas of convergence, especially in the implementation stages of the recommendations. and of course, this presents an opportunity to leverage the framework.

ICANN
PREP WEEK 72

And lastly, the framework could have helped to make the process of ascertaining the public interest a lot more streamlined and predictable. The reports from the SSAD and SubPro recommendations will be collated, put together to make up the final report which we will of course share with the Board and subsequently, it'll be shared with the community.

The end goal for all of this is to simply showcase how and why the framework can be of use to the community in its future work. So I will stop here with the slides. I realize that we've shared a lot of information and it hopefully paints a picture of the overall process and objectives but also some of the thinking on the pilot and next steps. Avri, unless you'd like to make any remarks, I think we can open it up for questions or comments.

AVRI DORIA: Fine to open it up to the questions. Let's give the maximum amount of time to those if there are those. So how does it go? Betsy, will you tell me which question to answer or tell us?

BETSY ANDREWS: Yes. Thank you, Avri. I will read the questions. And remember, to everyone who's participating, if you have an additional questions to answer, put that in the Q&A pod, not in the chat box, because that helps us organize how to do responses to your questions. And also, if we run out of time, it'll enable us to follow up with answers to your questions.

So the first question is, in matters related to global public interest, ICANN as an organization often sees limitations when the issue or topic is beyond the scope of ICANN's mandate. But is the ICANN community also bound by this limitation? Is there a way for the ICANN community to address, by discussion in a community list or community side event, issues of significant global public interest otherwise left untouched by ICANN when Org limitations are mirrored onto the community? Avri or Ergys, do you want to address that question?

AVRI DORIA: I can try it, but perhaps we can both try it if my initial answer is lacking. In a sense, we cannot, as the Board or I believe the Org necessarily, control what is discussed on a list, other than the guidelines on behavior and such. But, so theoretically, there's nothing to limit what a SO, AC, constituency, RALO, ALS decides to talk about and such.

Now, how does it figure into the overall guidance and such of ICANN in that bottom-up becomes an interesting question because we're certainly limited in action to our mission. In consideration at the Board level, we're certainly limited to things that are within the mission. But I can't see—and this is just me talking—us saying no, a group cannot talk about something within their lists that they think is of global public interest.

I often hear the phrase "this is tangentially related to ICANN" and such when people start to move towards the edges. And I personally don't see anything wrong with it. I can't speak for the Board on this one, but it strikes me that a bottom-up organization, what the bottom-up

ICANN
PREP WEEK 72

community talks about is not limited. The Board is limited. The Org is limited. But I don't see the community as necessarily limited. I don't know, Ergys, if you have something to add.

ERGYS RAMAJ: Yeah. Thank you, Avri. Absolutely agreed. As I mentioned at the beginning of the presentation, the focus of some conversations in the past has gone beyond the remit of ICANN, and in a lot of ways, it has informed the discussions that have been more focused on the remit of ICANN. So there's not necessarily a way to preclude anyone from having conversations that extend beyond the ICANN remit.

But in terms of applying the global public interest at ICANN, it absolutely has to be linked to the mission and it has to be anchored in all of our founding documents.

BETSY ANDREWS: Thanks, Ergys. Let's move to the next question. What form might this tool take? Will it be something software-based? And at what phase of the PDP will the tool be used?

AVRI DORIA: First of all, it's not a software. It's a documented set of processes and procedures and questions. If you look at the document, it's a set of considerations that as we're looking at the recommendation and such, we're asking the various questions, we're looking then inside the

ICANN
PREP WEEK 72

documentation that we've received and the advice that we've received to see what those answers might be. But it's certainly not software.

It's also not, as we said, a required part of the PDP. While it might be an interesting thing for a PDP to look at some of those considerations along the way and may certainly get those considerations or questions related to those considerations in commentary and comments and advice, it's certainly not part of the PDP. There's no stage in the PD where it says, use this framework to make the determination and document it. That's not there.

It would have to be the GNSO that someday decided that the thing was worthwhile and that they wanted to fit it within their process. But it's certainly not part of this pilot and it's not even part of the intention of the Board to request that, to ask that or in any way to influence that, but rather, it's a tool for us to use and to invite others to help us. I think that covered it.

BETSY ANDREWS: Thank you very much, Avri. Appreciate that. We'll move on to the next question, which is, can you explain the outcomes or the answers of the examination of the SSAD as it relates to the three issues posed?

ERGYS RAMAJ: Yeah, happy to go over them once more. Essentially, we asked these guiding questions and the preliminary results or our initial observations are that it appears that the community did take into account the public interest in developing the recommendations. We also observed that the

GPI could certainly be leveraged in future community work to make the process more predictable and consistent. And of course, to facilitate any future work the community might do, there is an observation that as it relates to the implementation recommendations, the community could potentially consider leveraging the framework during that process as well.

BETSY ANDREWS: Thank you, Ergys. We'll move on to the next question, which is a tricky one. Is it possible to get the universal definition of the global public interest? Who wants to tackle this one?

AVRI DORIA: I'll take that one. I think we'll find it right after they discover the unified field theory.

BETSY ANDREWS: Nicely answered. Ergys, do you want to add to that?

ERGYS RAMAJ: I couldn't possibly follow that. Thank you, Betsy.

BETSY ANDREWS: Okay, so the answer to that question was no. And here's the next question for you.

AVRI DORIA: I'm always hopeful. It could happen. [inaudible].

BETSY ANDREWS: It could. Avri is hopeful. Perhaps Avri will make that discovery. In the meantime, let's move on to the next question which is, what is the safeguard to make s you're that the framework isn't invoked by the Board to undo policy work of the community? Not all of the outcomes of PDPs are popular, including outcomes that make no changes to the status quo. How will the Board make sure that it doesn't just yield to the loudest unhappiest crowd after each PDP is wrapped up? It would be demoralizing if this is used essentially to circumvent the work of the community, which is oftentimes years in the making.

                        And I would add to this question that there was a little bit of discussion in the chat about who should be using this tool. So perhaps you could speak to this question and clarify who should be using this tool as we move forward.

AVRI DORIA: Okay. In terms of should be using it, the Board and Org are the ones that should be using it. The Board in terms of making the decisions and the Org in terms of research and the work like ODPs and such that they do to prepare the Board for making a decision. So they're the ones that should. Who could use it is any part of the community that wanted to that felt it would be useful.

                        Now, going back to the hard part of the question, which is, how can we avoid using this tool in a detrimental way to work that has been done

by the community work that's taken five years? And that's one of the very important parts of it. I think first of all, if we started using it that way, it would be a dead tool. It would not last for very long. But nonetheless, and that problem of how do we avoid the loudest voice, how do we avoid the most persistent voice when it's contrary, it's basically, should the Board—and this is across the discussions, should the Board get to a point where they're doing an analysis, they've looked at the recommendations, looked at how the recommendations have responded to all the advice they've gotten, there's every assumption that any point that fits into the GPI should have been discussed with the policy development process along the way and the policy development process is likely to have responded to it.

So that's the first thing we do, is, "Look, have these questions been answered?" And there always is a balancing test in these. Even the bylaws is quite specific that in the commitments, no one commitment is necessarily primary and they all need to be used in a balanced manner that's specific.

So, does that stop us from misusing it? No. But another part that does is anytime—let's say it's the GNSO, but it could be a review team, it could be something else, that we get to a point where it looks like maybe we've got a GPI issue that is not quite resolved in the work that we got from the GNSO, from the review team, perhaps even from a cross-community working group. We have to go back to them and say, "We're looking at this one, we have a problem." We can't just make a decision. I don't think the community would stand for it. And I think that's one of the biggest guidelines we've got.

ICANN PREP WEEK 72

Basically, all I'm trying to say is while there isn't a police that will stop it from happening, there is a community that won't accept it. I think the Board knows that, and we have to go consult if we see an issue.

BETSY ANDREWS: Thank you, Avri. And Ergys, would you like to add to that answer before we move to the next question?

ERGYS RAMAJ: We can move to the next question, Betsy.

BETSY ANDREWS: Okay. So the next question is, is the goal to have all policy input from the constituents include some thoughts about how this input fits into the global public interest framework?

AVRI DORIA: It's a hope that when something does affect a global public interest, those making the recommendations, those giving the advice, those creating policy recommendations will think about it. But there's no intention, as I've said and as Ergys has said, to in any way force this into the process. In fact, I think there's a very strong belief that if the process runs properly and goes through all of the conditions in the bylaws, then what comes out at the end should be fairly good, fairly close just by the bottom-up nature, the diversity of people, of opinions, the long discussions that people go through. The fact that discussions are open

ICANN 72 PREP WEEK

to all, the fact that discussions are all recorded and written and archived means that there's already a rich amount of information.

But if somebody wants to, it's useful and it would be lovely to have. Thanks.

BETSY ANDREWS: Thank you, Avri. Ergys, would you like to add to that?

ERGYS RAMAJ: Yeah, just to briefly add and encourage the community to actually leverage the framework as it sees fit, because one of the things that we would like to see is to actually test the framework, test its imitations, and of course, discuss any lessons learned, how we could potentially improve it in the future. So yes, the answer is a resounding yes, we would love for that to be the case.

BETSY ANDREWS: Okay, thank you. And before we go to the next question, I would like to ask Mark or Susan the question that was in the chat that they would like to have answered, could one of you please put that in the Q&A pod so that I could read it aloud in the session?

The next question is, this is a really comprehensive framework, but in a particular example, can you explain what happens in a process where a determination is made that the community in recommendations have not applied the GPI?

AVRI DORIA: I think I sort of covered that one a little bit, which is we have to go b ack to the community with our question, with our issue and try to dig into it deeper with the community, is what I believe.

BETSY ANDREWS: Ergys, would you like to add to that?

ERGYS RAMAJ: No, that covers it, Betsy. Thank you.

BETSY ANDREWS: That's great. Okay, the next question is, in an example to test the limit of ICANN's mission, if the community said that global warming was in the public interest, could the Board and the Org mandate that only renewable power sources could be used by registrars or registries? Ergys, you want to lead on that one?

ERGYS RAMAJ: Yeah, happy to. I think this is one of those hypotheticals where we would have to look at whatever the outputs are and the rationale that the community gave. And of course, how that is linked and related to the mission, and evaluate from there.

BETSY ANDREWS: Thank you. Avri, do you want to add to that?

AVRI DORIA: I do. Just a little bit in terms of putting those kind of requirements on registrars and registries for example, if let's say we decided that something was a human rights concern. We're sort of limited from saying that we are therefore an enforcement of global public interest on other parts, other operations.

So my instinctual answer is that probably not, but it certainly would be something that would become a community discussion, I expect.

BETSY ANDREWS: Okay. Thank you, Avri. Now I'm going to read a comment. If the community is not limited and if a global public interest issue or range of global public interest issues are discussed in a relatively informal, detached cross-community discussion group and list, perhaps the Board shepherd for public interest if constituted to be a bridge could examine summary outcomes of the discussion groups and examine if there is something within the remit or even recommend to the Board to expand its mission a little to accommodate and address what is hitherto informally and noncommittally considered by the detached community discussion group.

Depends on how the Board shepherd is constituted. And if this still not even in the sphere of the Board shepherd, then some form of a bridging mechanism could be thought of. An additional comment to that is finding a way to discuss matters of broader public interest is important because this happens to a distinct and global multi-stakeholder forum

involving, comprising 8000 participants of merit and commitment. There's a lot more this community could do for good.

That's the end of that comment. Now I will move to the next question, which is, I think it's fine to admit that the framework if used consistently by the Board and the Org would inevitably influence the community processes in making policy recommendations, but I do also notice a part in the framework, if I recall that slide correctly, that there is a part for updating the framework at the end of the process. And I think that might be the key part. That is, if the community recommendations do not fit the global public interest framework, it could equally be that the framework needs to be adjusted or that the recommendations need further global public interest consideration. Did I get that correct? Avri, please go ahead.

AVRI DORIA: I jumped in. Apologies. I think that that is part of the whole discussion, certainly after the pilot. As we're running the pilot this year on these two PDP recommendations, we're going to see how it works, going to consult with the community about the outcome of these processes, we'll look at the framework and see, did it work, did it not work, why did it work or not work, how does it need to be changed or tightened?

And I think even if we get to the point after this pilot that we say, yes, this is something we want to continue using not as a pilot but as a long-term part of the Board process for making decisions, then after each of the decisions which would be logged and the rationale is always included in the decisions, we would always be reviewing it and such.

ICANN PREP WEEK 72

So yeah, it needs to be flexible, it needs to grow as we understand what it is we're trying to have for a global public interest. And while we don't end up with an explicit definition of the GPI, we end up with a case history, with examples, we end up having used it and gaining greater knowledge as to what it may or may not be in various cases. Thanks.

BETSY ANDREWS: That's comprehensive, Avri. Thank you. Ergys, do you have anything you would like to add?

ERGYS RAMAJ: No, nothing to add. Thank you, Betsy.

BETSY ANDREWS: Okay. So following on, just to clarify, it seems this question is asking, it seems, that that global public interest example was assessed retroactively in your pilot. Was that purely for the pilot, or is the global public interest going to be used for past projects going forward?

ERGYS RAMAJ: One of the observations that we made during this exercise was that it would be far more effective if a framework is actually run as part of the recommendations development as opposed to a post facto review. So the answer to the questions is it was just in the context of the pilot and not the intention of using the framework moving forward.

BETSY ANDREWS: Thank you. Avri, do you want to add anything?

AVRI DORIA: The only thing I would add is certainly, we don't intend to do an analysis of previous decisions using the tool, but were some academic to do that, it would be a very interesting thing to read.

BETSY ANDREWS: All right. Thank you. We've got one question left. So if you have a burning question that you have not yet entered into the Q&A pod, please do that now. The question that remains is, does the global public interest category accountability and transparency imply that ICANN has an obligation not only to be itself accountable and transparent to the public but also to ensure that its contracted parties such as registries and registrars be accountable and transparent towards the members of the public in the use of their ICANN conferred prerogatives? Ergys, would you like to start on that one?

ERGYS RAMAJ: I think I'll pass the baton to Avri on this one.

AVRI DORIA: Thank you. [Verner,] you've always asked such challenging questions, and I thank you for it. And within this, there is really the whole issue of the relationship between ICANN and the registries and registrars, the fact that we have a relationship that in many ways is defined contractually in a bilateral way. So while we certainly need to try and

see to it that what ICANN does and what ICANN is is accountable and transparent, there is a certain amount of distance between that for the internal and our attempt to work with the community and work with the registries and registrars in such a way. But the imposition of actions on them is not as easy a connection to make.

BETSY ANDREWS: Thank you, Avri. Does anyone else have an additional question or comment that they would like to make? In that case, Ergys, I'll turn it over to you to wrap up.

ERGYS RAMAJ: Thank you, Betsy, just wanted to thank all the participants for a very engaging and lively session. if there are any comments or questions on this topic, please feel free to reach out to myself or Avri directly and we'd be more than happy to answer your questions or comments. And with that, I would like to thank all the ICANN Org staff and the interpreters for all of their help. Again, with that, Avri, if you have any final comments, I'll pass it over to you.

AVRI DORIA: Just to say thank you to all. The conversation is important to me. I look forward to continuing the conversations and the questions and such over time, and thank you very much.

BETSY ANDREWS: Thank you, Avri. That concludes this session. We appreciate everyone's participation. Have a good evening, morning or day.

[END OF TRANSCRIPTION]