Global Public Interest (GPI) Framework

Final Pilot Report

Community Consultation

1

18 September -
18 October 2019

Community Groups Participating in Consultation

4

GNSO Council, ALAC,
RySG, BC

Community Webinars

17 September 2019,
19 September 2019,
13 October 2021

3

ICANN Public Meeting Sessions

2

ICANN66, 4 November
2019; Plenary, ICANN73,
7 March 2022

Pilot Case Studies Conducted

2

SSAD, SubPro

Framework GPI Categories Mapped

3/5

SSAD

5/5

SubPro

Total Recommendations/ Topics Evaluated

22

SSAD

41

SubPro

Recommendations/ Topics with GPI Elements Identified

8

SSAD

32

SubPro

Public Comment Proceedings Analyzed

1

SSAD

3

SubPro

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Background on the GPI Framework

ICANN's key governance documents, such as the [Bylaws](#) and [Articles of Incorporation](#), have long emphasized the vital role of the global public interest (GPI), calling for its determination from time to time, and through an inclusive bottom-up multistakeholder process. However, despite active community discussions since 2016, attempts to define and operationalize this complex concept have fallen short, leaving behind a collection of useful but fragmented impressions. It has become apparent that trying to capture the essence of the GPI in an abstract form is akin to trying to boil the ocean itself.

Recognizing the need to prioritize the GPI as an operational focus, the ICANN Board, in consultation with the community, developed and published a proposed [GPI framework](#) in June 2020. The goal of the framework pilot was two-fold: to determine its use and utility for the Board and to demonstrate how the community could use the framework to evaluate relevant public interest considerations within a given issue.

The GPI framework is meant to serve as a practical tool that links the mandates in ICANN's governing documents with its bottom-up multistakeholder processes, procedures, and charters. Importantly, the framework does not alter the process by which decisions are made. Instead, it facilitates a bottom-up, multistakeholder-driven understanding of GPI issues relevant to each Board decision.

The framework is structured into five overarching categories, each tied to specific GPI elements, as shown in the graphic. It then links each category to one or more specific sections from the Bylaws, in the form of a question. This design encourages collaborative efforts between the Board and community to evaluate the relevant public interest and proactively demonstrate how recommendations meet GPI considerations.

It's worth noting that the GPI framework was developed at a time when no specific tools existed to evaluate the relevant public interest of a given issue. The ICANN Board recognized its role in helping facilitate a bottom-up-multistakeholder community-driven process to develop the necessary tools. Similarly, [WorkStream 2](#) efforts on human rights have also driven the community work on the development of tools to assess human rights.

The pilot study results are highly encouraging and suggest that the framework is a valuable tool that can be applied in various contexts. While the framework is most effective if applied during discussions in the policy development process, it can also be retroactively employed to yield significant benefits for both the Board and the community. With its dual application and ability to synthesize complex information, the framework has the potential to drive significant improvements in relevant GPI decision-making contexts.

Piloting the GPI Framework

As noted above, the Board decided to test the GPI framework and asked ICANN org to run the pilot to review two case studies[1]:

1 **System for Standardized Access/Disclosure (SSAD)** recommendations

2 **New gTLD Subsequent Procedures (SubPro)** recommendations

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, ICANN org conducted a retroactive exercise. The pilot involved mapping the GPI framework categories to specific topics or recommendations in each case study, applying the framework's questions to evaluate GPI issues and exploring how the community considered various viewpoints, including minority statements and public comments.
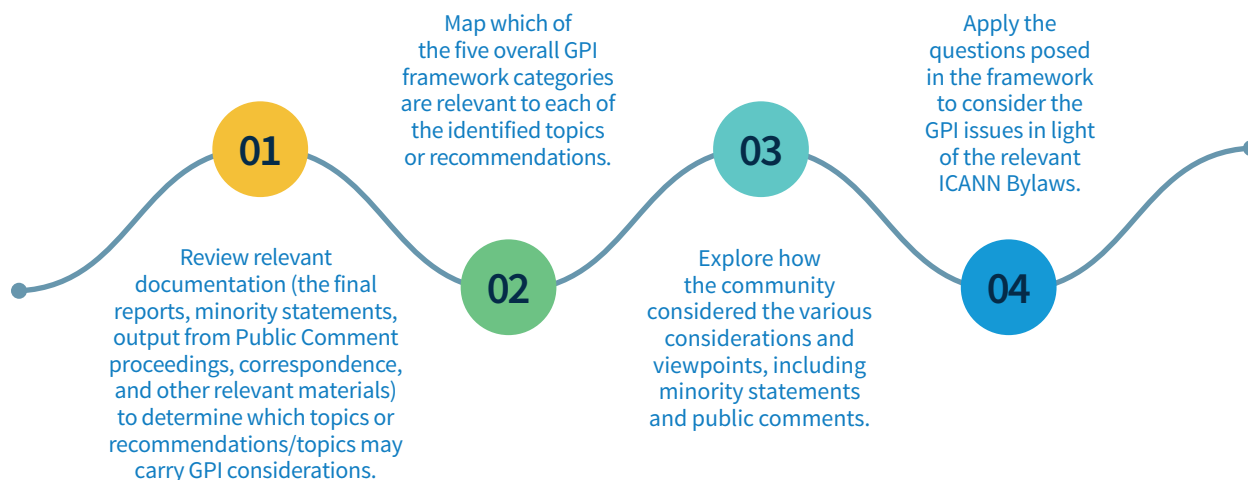
The pilot was a mapping exercise rather than an evaluation exercise. ICANN org reviewed existing community documentation to identify evidence

that supported public interest considerations, without replacing ICANN org's own evaluations. The reports on the findings show how the framework could have been used during the policy development process if the community had leveraged it.

To run the pilot, ICANN org followed the same process for both case studies. Org reviewed relevant documentation, mapped GPI categories to specific topics or recommendations, applied the GPI framework's questions to evaluate GPI issues, and explored the community's viewpoints.

01 Review relevant documentation (the final reports, minority statements, output from Public Comment proceedings, correspondence, and other relevant materials) to determine which topics or recommendations/topics may carry GPI considerations.

02 Map which of the five overall GPI framework categories are relevant to each of the identified topics or recommendations.

03 Explore how the community considered the various considerations and viewpoints, including minority statements and public comments.

04 Apply the questions posed in the framework to consider the GPI issues in light of the relevant ICANN Bylaws.

The findings of the first phase of the pilot for the SSAD case study can be found in the Operational Design Assessment (ODA) report on page 65, with Appendix 2 on pages 101-105. The findings of the second phase of the pilot for the New gTLD Subsequent Procedures case study can be found in the ODA report on page 108, with Appendix 14 on pages 301-318.

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1 The System for Standardized Access/Disclosure (SSAD) recommendations can be found here and New gTLD Subsequent Procedures (SubPro) recommendations here.

Key Findings

ICANN org has made significant efforts to consider GPI factors in both the SubPro and SSAD recommendations. The community has addressed a wide range of GPI considerations, such as security, transparency, diversity, and fiscal responsibility, in the recommendations and rationales provided in the reports.

The org's methodology revealed that 36% of SSAD's 22 recommendations[2] and 78% of SubPro's 41 topics carried GPI considerations across the five framework categories. These findings indicate that the GPI was central to discussions involved in the policy development process. The framework can be useful and applicable within PDPs, as it offers a set of categories and language to facilitate discussions and address the GPI in a predictable and systematic manner.

Both pilot exercises highlighted the need to consider and balance various GPI concerns instead of focusing on a single element. The Board must balance competing considerations, and the GPI framework serves as a tool for the community to have a conversation about what the GPI is.

The framework is likely to be more effective if discussed and considered during the PDP, rather than retroactively. The community's intentional and affirmative use of the framework would allow for proactive consideration of the GPI during the PDP process.

In the SSAD and SubPro pilots, the findings show that the community had to balance different GPI concerns, rather than focus on a single element. For example, in SSAD, it was necessary to think about costs as well as ICANN's duty to serve the public interest. In SubPro, there were different opinions about issues relating to inclusivity and competition. Ultimately, the Board decides what is in the public interest, but the GPI framework helps the community have a conversation about what that means in each instance. There is no singular public interest; rather, there are a host of public interest considerations that can be raised within policy recommendations and other community work. The Board must balance competing considerations and can benefit from the community creating records of those discussions.

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2 These 8 recommendations which were identified as carrying GPI considerations also resulted in "strong support but significant opposition" or "divergence" designations from the community, suggesting that the GPI was central to the more contentious topics.
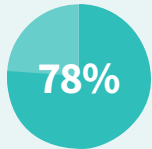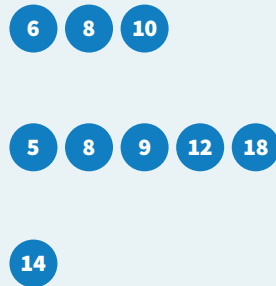
Framework Application

36%
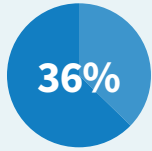
For SSAD, 8 of the 22 recommendations were identified as carrying GPI considerations, across three of the five of the framework's Overall ICANN Categories.

Further groupings were made as follows:

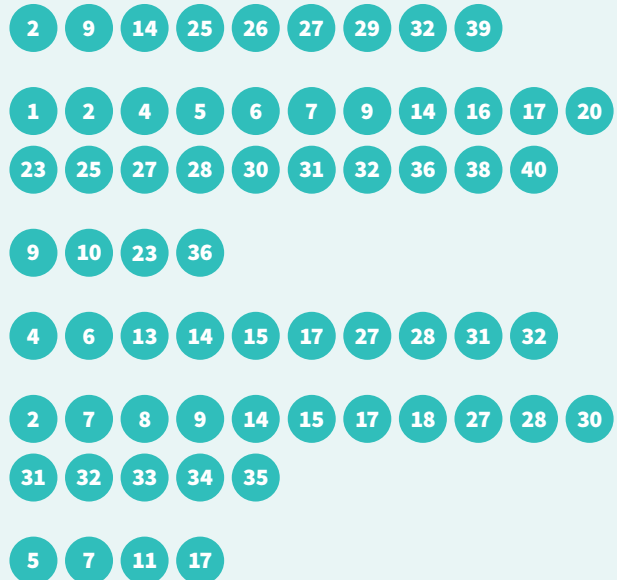| **Public Interest Categories**	**Relevant SSAD Recommendations**
Stability and Security	6 8 10
Accountability and Transparency	5 8 9 12 18
Fiscal Responsibility	14

78%

For SubPro, 32 of the 41 topics were identified as carrying GPI considerations, across all five of the framework's Overall ICANN Categories.

Further groupings were made as follows:

| **Public Interest Categories**	**Relevant SubPro Topics**
Stability and Security	2 9 14 25 26 27 29 32 39
Competition, Fairness, Trust, and Innovation	1 2 4 5 6 7 9 14 16 17 20 23 25 27 28 30 31 32 36 38 40
Benefit to the Internet Community	9 10 23 36
Fiscal Responsibility	4 6 13 14 15 17 27 28 31 32
Transparency and Accountability	2 7 8 9 14 15 17 18 27 28 30 31 32 33 34 35
Inclusivity and Diversity	5 7 11 17

Recommendations for Framework Updates

The GPI framework may benefit from further updates, as suggested by the community in engagement sessions during the pilot phase. One suggestion is to add a problem statement, explaining why the issue is being addressed and what GPI considerations are being considered. This would provide more clarity and help to improve the current first step in the process where a binary "yes" or "no" option is provided to the question of whether the framework should be used. This may be easier or more relevant in the case of recommendations, versus advice or comments. The process graphic at the end of this report illustrates this potential new first step and its place in the Board's proposed GPI process.

Another recommendation is to tweak the categories within the framework. In the SSAD and SubPro pilots, similar findings were grouped together thematically, even though they fell under different GPI framework categories. Therefore, the Board and community may want to consider expanding or reorganizing certain categories to ensure all relevant information is captured. The framework graphic below shows the suggested new category groupings, and the table which follows captures in orange how these categories have evolved since the initial proposed framework.

Furthermore, the Board may wish to consider adding additional terms to the framework's second column to ensure that all GPI-related comments are captured. For example, "human rights" and "underserved" were added to help with keyword searches during the pilots, as captured in the framework graphic and table below.

Overall, these updates could improve the GPI framework's effectiveness and provide more clarity for the community and Board.

☑ Consider adding a problem statement to the framework

☑ Tweak framework categories

☑ Consider additional framework terms

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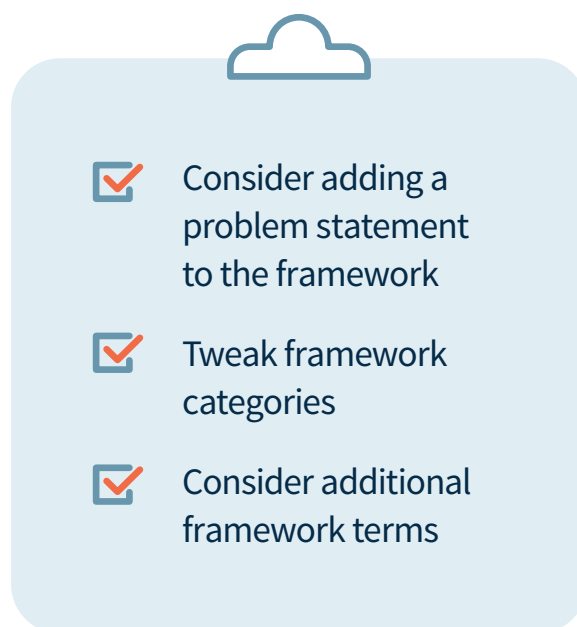
3   Note - each category/question will not necessarily be relevant to each policy. This framework is anchored in the Articles and Bylaws. The terms in the first column are intended to help categorize the considerations within the context of ICANN's work. The terms in the middle column either derive from or come directly from the Bylaws; they are not meant to encapsulate every category relating to the public interest, only those that are clearly related to ICANN's Bylaws. The questions in the third column use language directly from the Bylaws; italics is used to indicate quoted language. Note that the Bylaws are not quoted in full in this framework. Communities seeking to use this framework are encouraged to refer to the full ICANN Bylaws to support their recommendations. Based as it is on the Bylaws, this tool can only be used only as a determination is made that the issue under consideration is within ICANN's mission.

The Board recognizes that the framework can be used to justify or support different interpretations of the GPI and that one decision may positively affect some GPI categories, but negatively affect other categories. The responsibility to balance the various GPI elements in the various deliberations rests with the respective groups, and any decisions and rationales provided should capture this notion of balancing.

4   The Governmental Advisory Committee (GAC) expressed interest in seeing the concept of inclusiveness playing a larger role in the GPI framework, to ensure that all community groups had the opportunity to weigh in and have their views considered; while it is one of the only terms to feature twice in the framework, the community can consider additional steps to bolster its place in the framework. For example, there could be a step in the process which involves quantification – of, for example, the number of community groups that participated in a given PDP, the number of Public Comment proceedings and number of comments received, the number of minority statements, the number of recommendations that did not reach consensus – to illustrate a level of inclusiveness that is measurable through available data.
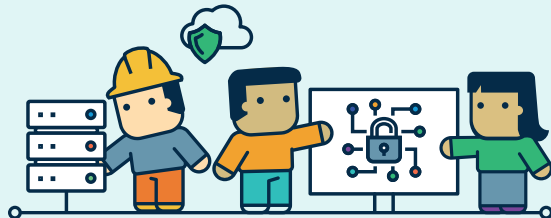
Proposed Framework Categories

ICANN's technical coordination

Stable
Secure
Open
Resilient
Interoperable

ICANN's role in the DNS marketplace

Fair
Trusted
Supportive of competition
Innovative

Benefit to the Internet community

Beneficial
Inclusive
Supportive of underserved communities
Supportive of human rights
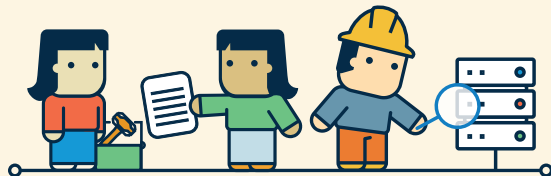
ICANN's global multistakeholder community and policy development processes

Diverse	Transparent
Respectful	Open
Inclusive	Balanced
Innovative	Accountable

ICANN's financial operations

Fiscally responsible
Sustainable

Orange text and highlights indicate suggested changes to the framework as a result of the pilot.

Overall ICANN Categories	Public Interest Categories	Bylaws Considerations
ICANN's technical coordination	Stable Secure Open Resilient Interoperable	✅ Will it preserve and enhance the administration of the DNS and the operational stability, reliability, security, global interoperability, resilience, and openness of the DNS and the Internet? (Commitment a.i) ✅ Will it maintain the capacity and ability to coordinate the DNS at the overall level and work for the maintenance of a single, interoperable Internet? (Commitment a.ii) 🔴 Will it, to the extent feasible and appropriate, delegat[e] coordination functions to or recogniz[e] the policy role of, other responsible entities that reflect the interests of affected parties and the roles of bodies internal to ICANN and relevant external expert bodies? (Core value b.i.)
ICANN's role in the DNS marketplace	Fair Trusted Supportive of competition **Innovative**	✅ Will it, where feasible and appropriate, depen[d] on market mechanisms to promote and sustain a competitive environment in the DNS market? (Core value b.iii) ✅ Will it introduc[e] and promot[e] competition in the registration of domain names where practicable and beneficial to the public interest as identified through the bottom-up, multistakeholder policy development process? (Core value b.iv)
Benefit to the Internet community	Beneficial Inclusive **Supportive of underserved communities** **Supportive of human rights**	✅ Will it operate in a manner consistent with these Bylaws for the benefit of the Internet community as a whole? In performing its Mission, ICANN must [operate in this manner], carrying out its activities in conformity with relevant principles of international law and international conventions and applicable local law, through open and transparent processes that enable competition and open entry in Internet-related markets. (Commitments a) 🔴 Will it, within the scope of its Mission and other Core Values, respec[t] internationally recognized human rights as required by applicable law [?] This Core Value does not create, and shall not be interpreted to create, any obligation on ICANN outside its Mission, or beyond obligations found in applicable law. This Core Value does not obligate ICANN to enforce its human rights obligations, or the human rights obligations of other parties, against other parties. (Core value b.viii)

Overall ICANN Categories	Public Interest Categories	Bylaws Considerations
ICANN's global multistakeholder community and policy development processes	Diverse Respectful Inclusive Innovative Transparent **Accountable** Open Balanced	✅ Will it respect the creativity, innovation, and flow of information made possible by the Internet by limiting ICANN's activities to matters that are within ICANN's Mission and require or significantly benefit from global coordination? (Commitment a.iii) ✅ Will it employ open, transparent and bottom-up, multistakeholder policy development processes that are led by the private sector (including business stakeholders, civil society, the technical community, academia, and end users), while duly taking into account the public policy advice of governments and public authorities [?] These processes shall (A) seek input from the public, for whose benefit ICANN in all events shall act, (B) promote well-informed decisions based on expert advice, and (C) ensure that those entities most affected can assist in the policy development process. (Commitment a.iv) 🔴 Will it remain accountable to the Internet community through mechanisms defined in these Bylaws that enhance ICANN's effectiveness? (Commitment a.vi) ✅ Will it see[k] and suppor[t] broad, informed participation reflecting the functional, geographic, and cultural diversity of the Internet at all levels of policy development and decision-making to ensure that the bottom-up, multistakeholder policy development process is used to ascertain the global public interest and that those processes are accountable and transparent? (Core value b.ii) ✅ Will it striv[e] to achieve a reasonable balance between the interests of different stakeholders, while also avoiding capture? (Core value b.vii) ✅ Will it, while remaining rooted in the private sector (including business stakeholders, civil society, the technical community, academia, and end users), recogniz[e] that governments and public authorities are responsible for public policy and duly taking into account the public policy advice of governments and public authorities? (Core value b.vi)
ICANN's financial operations	Fiscally responsible Sustainable	🔴 Will it operat[e] with efficiency and excellence, in a fiscally responsible and accountable manner and, where practicable and not inconsistent with ICANN's other obligations under these Bylaws, at a speed that is responsive to the needs of the global Internet community? (Core value b.v)

Next Steps

The GPI framework was developed to reinforce the Board's commitment to the GPI and provide a practical tool that helps demonstrate how specific recommendations, advice, and public comments are in the global public interest. The pilot of the framework showed that it is a tool which the Board and community could use to evaluate the relevant GPI considerations within a given issue, and it was effective at capturing the many and varied aspects of the GPI relevant to specific PDPs.

While the pilot showed that the framework would be more effective if used during the policy development process, it could still be used retroactively. The ICANN community is encouraged to leverage the framework during the policy development process as a way to help structure and guide its discussions on the GPI. The framework could make the process of ascertaining the GPI more consistent and predictable, while also formally documenting and creating a record of those considerations and questions for consistency.

The community response to the GPI framework has been positive, and some community groups, notably the GAC and ALAC, appeared to be optimistic about leveraging the framework. The Board continues to encourage interested community groups to leverage the framework and share their evaluations of the experience with the Board. Community use of the framework will help clearly communicate to the Board how the community factored in various GPI considerations and subsequently inform the Board's discussions and actions.
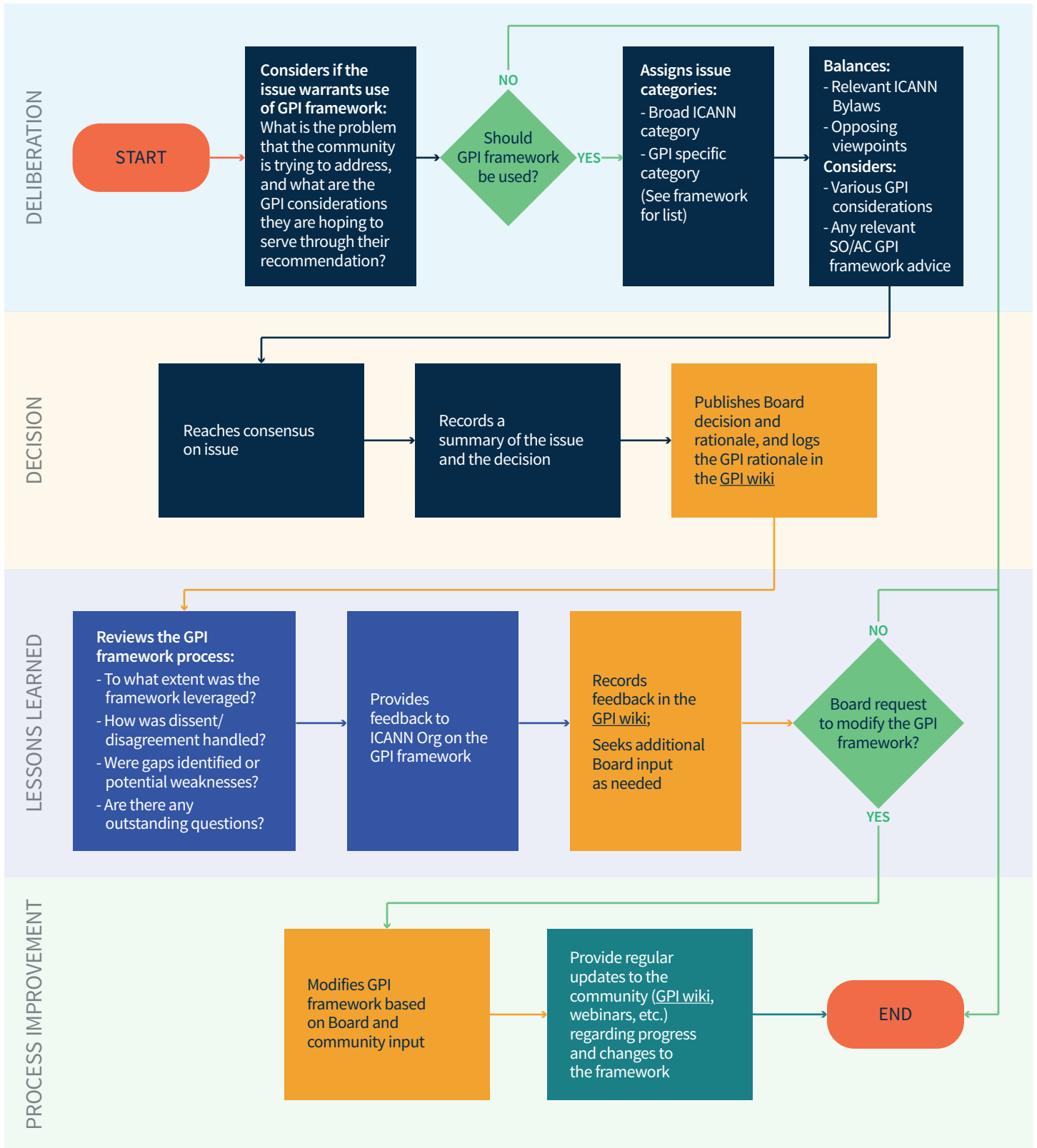
A key lesson learned from the pilot process was that ICANN's policy-making bodies assumed that the GPI is implicit in the PDP, whereas the advice-making bodies found that a framework is useful in capturing the varied considerations. The community could consider ways to leverage the framework to make implicit concepts more concrete to proactively and systematically demonstrate how community recommendations, advice, and comments meet the bylaws-defined public interest considerations.

There is also potential for the GPI framework to be leveraged to help inform future Human Rights Impact Assessments (HRIAs) under the Human Rights Framework of Interpretation (FOI). The community could further define and refine terms such as "inclusiveness" and clarify how they would be assessed in the framework. The GPI-related discussions have led to the recognition of terms like "community," "underserved," and "Global South," and ongoing community and org efforts to define these terms may impact future discussions on the GPI.

In summary, the pilot reinforced the Board's hypothesis that the framework is useful and confirms the notion that the Board and the community could leverage the framework in their future work, whether as part of policy- or advice-making, or retroactively. The framework can continue to change and evolve to meet the needs of the Board and community, and with each test case applied to it, its utility is likely to be high.

GPI Framework Process FY21 Pilot

Note: This document illustrates the ICANN Board's GPI process; community groups that decide to pilot the GPI framework are welcome to use the Board's proposed process in designing their own respective processes.

DELIBERATION

START

Considers if the issue warrants use of GPI framework: What is the problem that the community is trying to address, and what are the GPI considerations they are hoping to serve through their recommendation?

Should GPI framework be used?

NO / YES

Assigns issue categories:
- Broad ICANN category
- GPI specific category
(See framework for list)

Balances:
- Relevant ICANN Bylaws
- Opposing viewpoints
Considers:
- Various GPI considerations
- Any relevant SO/AC GPI framework advice

DECISION

Reaches consensus on issue

Records a summary of the issue and the decision

Publishes Board decision and rationale, and logs the GPI rationale in the GPI wiki

LESSONS LEARNED

Reviews the GPI framework process:
- To what extent was the framework leveraged?
- How was dissent/ disagreement handled?
- Were gaps identified or potential weaknesses?
- Are there any outstanding questions?

Provides feedback to ICANN Org on the GPI framework

Records feedback in the GPI wiki;

Seeks additional Board input as needed

Board request to modify the GPI framework?

NO / YES

PROCESS IMPROVEMENT

Modifies GPI framework based on Board and community input

Provide regular updates to the community (GPI wiki, webinars, etc.) regarding progress and changes to the framework

END

■ ICANN Board   ■ ICANN Organization   ■ ICANN Board GPI Shepherd   ■ ICANN Board and Organization

This process only refers to the GPI portion of the decisionmaking. It does not overtake or change other information points or decision-making processes that are necessary for each decision that the Board takes.