About "Public Interest"

Perspectives from the IGF, WSIS+10 and ICANN Strategic Plan

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a. Scope

Within the ICANN community and also within the Governmental Advisor Committee meetings, the concept of "public interest" is frequently used. While it seems challenging finding a single definition, there is value in analyzing the different contexts in which this concept is used and referrenced.

The Working Group on Protection of Geographic Names in new gTLDs found this challenge in defining the meaning of "public interest" by two different stakeholders:

- Governments and communities: geographic names of regions, subregions, rivers, cultural names, etc. are meaningful and highly valued by the local communities. While these names are not included in oficial list from standard bodies like ISO or UN, they are meaningful and valuable for their communities. (Eg. Patagonia)

- Companies which own registered trademarks that use names of regions, subregions, rivers, cultural names, etc. have their legal rights based on existing international and national legal frameworks.

Each name of a region, subregión, river or cultural name is usually unique, these names are scarce resources. The challenge within the new gTLD process is that there is only one global TLD per each string or name, and that both stakeholders have their reasons to interpret what "public interest" means.

The purpose of this document is to analyze the debate, content and references about "public interest" that took place in three different multistakeholder spaces and participation of the global Internet community from the perspective of the use of geographic names in new gTLDs, these are:

- The ICANN Strategic Plan for fiscal years 2016 – 2020
- High-level meeting of the General Assembly on the overall review of the implementation of the outcomes of the World Summit on the Information Society
- The Internet Governance Forum Wokshop about "Public Interest" in relation with Critical Internet Resources

This document aims to review the concept of the "public interest" in relation with the focus of this GAC working group objective.

b. ICANN and the "public interest"

ICANN Strategy Panel on the Public Responsibility Framework explored how ICANN address the global public interest.

Among the Panel definitions there is one related with "public interest: [1]

> *"ICANN defines the global public interest in relation to the Internet as ensuring the Internet becomes, and continues to be, stable, inclusive, and accessible across the globe so that all may enjoy the benefits of a single and open Internet. In addressing its public responsibility, ICANN must build trust in the Internet and its governance ecosystem.*
> *This vision is central to ICANN's public responsibility framework; however, there is a need to define particular areas of focus and target topics, regions, and stakeholders that need to be addressed in relation to ICANN's responsibility to serve the global public interest.*

The ICANN Strategic Plan 2016-2020 was the outcome of an extensive, bottom-up, multistakeholder process, and it articulates ICANN's vision mission, the Strategic Objectives and sixteen Strategic Goals, with the objective of being *"a proficient, responsive and respected steward of the public interest through its commitment to public accountability, openness, and effective cooperation and collaboration".*

ICANN´s vision includes a specific reference about public interest related to trust and cooperation among stakeholders:

> *ICANN's vision is that of an independent, global organization trusted worldwide to coordinate the global Internet's systems of unique identifiers to support a single, open globally interoperable Internet. **ICANN builds trust through serving the public interest, and incorporating the transparent and effective cooperation among stakeholders worldwide to facilitate its coordination role.***

Public Interest is also present in the Stategic Objectives:

- *Evolve and further globalize ICANN*
- *Support a healthy, stable, and resilient unique identifier ecosystem*
- *Advance organizational, technological and operational excellence*
- *Promote ICANN's role and multistakeholder approach*
- ***Develop and implement a global public interest framework bounded by ICANN's mission.***

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[1]ICANN Strategy Panel on the Public Responsibility Framework
https://www.icann.org/en/system/files/files/prf-report-15may14-en.pdf

While ICANN´s mission is focused on the coordination of a very specific set of critical Internet resources such as the DNS, IP addresses and autonomous, AS numbers, port and parameter numbers and root servers, there is a specific reference about ICANN *"coordinating policy development reasonably and appropriately related to these technical functions",* which seems to have a much broader meaning that the solely coordination of these critical Internet resources.[2]

The same applies to ICANN´s vision, which includes a specific reference about public interest related to trust and cooperation among stakeholders.

Among the strategic objectives for the next five years there are concrete references to the concept of "public interest" or proposed actions related to it and references to the development of best practices:

- In 2.3: The evolution of the domain name marketplace should not create *"conflicting agendas of key players thwart cooperation and evolution of marketplace to serve the public interest"*.

- In 4: Promote ICANN's role and multistakeholder approach considering "*organizational overlaps and gaps among the administrative and governing groups"* resulting in *"…unhealthy competition, misunderstood intentions, strained relations…By extension of this effort, and without seeking to expand its role and mandate, ICANN commits to contributing to creating greater role clarity for the entire Internet governance ecosystem. We see opportunity for the ecosystem to be stronger together through greater cooperation and coordination. In this, we pledge open, transparent communications to foster a single, open, global Internet for worldwide benefit"*

- In 4.3: *"Participate in the evolution of a global, trusted, inclusive multistakeholder Internet governance ecosystem that addresses Internet issues… Demonstrate leadership by implementing best practices in multistakeholder mechanisms within the distributed Internet governance ecosystem while encouraging all stakeholders to implement the principles endorsed at NETmundial.*[3]*"*

- In 4.4: *"Promote role clarity and establish mechanisms to increase trust within the ecosystem rooted in the public interest".* There is a risk in *"Failure to achieve targets for global diversity in ICANN, and for accommodating political and cultural differences in ICANN"*

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[2] ICANN´s Mission in the ICANN´s Bylaws. Mission, Vision and Core Values may be updated after the IANA transition process. Fort he purpose of this analysis the current version is being considered. https://www.icann.org/resources/pages/governance/bylaws-en/#I

[3] NETmundial identified a set of common principles and important values that contribute to an inclusive, multistakeholder, effective, legitimate, and evolving Internet governance framework, and recognized that the Internet is a global resource which should be managed in the public interest. http://netmundial.br/wp-content/uploads/2014/04/NETmundial-Multistakeholder-Document.pdf

- In 5: *"Develop and implement a global public interest framework bounded by ICANN's mission… ICANN seeks to develop a public responsibility framework for promoting the global public interest in the coordination of the Internet's unique identifier systems and in furtherance of ICANN's mission.The framework will clarify ICANN's roles, objectives and milestones in promoting the public interest through capacity building, and increasing the base of internationally diverse, knowledgeable, and engaged ICANN stakeholders."*

- In 5.1 *"Act as a steward of the public interest: The ICANN community's decision and policy-making structures and processes are driven by a clear understanding of the public interest, including a healthy unique identifier system and marketplace…Common use across the ICANN community of best practices that demonstrate commitment to the public interest. Streamlined reviews that demonstrate the effectiveness of best practices in support of the public interest"*.

- In 5.1 There is a concrete reference to the challenges and difficulties that this process implies, stating that there may be a *"Inability to reach consensus on what constitutes public interest and on best practices related to the public interest"*, and that there may be a *"perception that ICANN is driven by selected interests rather than the public interest".*

All these references to "public interest" go beyond what the ICANN mission states as the sole coordination of a set of critical internet resources.

These strategic objectives indicate a considerable relevance in the role of ICANN as a steward of the "public interest" in a more holistic way, related with the Internet and the Internet ecosystem as a whole.

   c. **High-level meeting of the General Assembly on the overall review of the implementation of the outcomes of the World Summit on the Information Society**

The WSIS process and its outcome documents, specially the Tunis Agenda of the Information Society, has been the guide and reference for further activities related with Internet Governance.

The recent UN General Assembly meeting which reviewed the implementation of the outcomes of the WSIS includes interesting references to public policy and the role of stakeholders in its section 4 about Internet Governance.

The most relevant elements of this section are the following:

- There are many cross-cutting international public policy issues that require attention and have not been adequately addressed.

- Recognize that the management of the Internet as a global facility includes multilateral, transparent, democratic and multi-stakeholder processes, with the full involvement of all stakeholders.

- Reaffirms the principle agreed in the Geneva Declaration that the management of the Internet encompasses both technical and public policy issues and should involve all stakeholders and relevant intergovernmental and international organizations, within their respective roles and responsibilities.

- Recognizes the NETMundial Global Multi-Stakeholder Meeting on the Future of Internet Governance.

- Recognizes the need to promote greater participation and engagement in the Internet governance discussions.

While not directly making references to the "public interest", the document highlights the relevance of the multistakeholder dialogue, which must also focus on "public policy issues that require attention and have not been adequately addressed".

d. IGF Workshop about "Public Interest" and Critical Internet Resources

The Internet Governance Forum in its 10th meeting has proved to be an excellent space for debate and interaction among stakeholders.

During the last Internet Governance Forum organized in Joao Pessoa, Brazil, Professor William Drake organized a very interesting workshop about the concept of "Public Interest" and Critical Internet Resources.

Panelists and audience expressed different views about it, these are the more relevant ones, taken from the notes of the autor of this draft document and from the Workshop report:

- From a developing country perspective, the public interest relates to equal access. It entails preserving things that important to the whole community, and is related to social, community and cultural dimensions.

- Public Interest is about the common wealth, which is defined in a particular time in a particular framework and society, and as such is an iterative process that adapts over time.

- Public Interest is about protecting the ecosystem from capture but relates also to the prevention of inequality and increasing public participation.

- Public Interest means that Internet should be stable, inclusive and accessible across the globe.

- Public interest policymaking is typically about regulating a monopoly and/or scarce resources.

Panelist recognized that the Internet evolves faster than regulation, the historical nature of the problem and the importance of finding a balance.

As a general outcome of the debate, only one panelist related the concept of "public interest" with the scope of ICANN mission, while the rest related it with broader vision including common wealth and equal access.

All participants agreed in the difficulties in defining "public interest", but all agreed that there would be value in identifying some principles to bound the concept.

e. Conclusion

There are important elements in the analyzed documents that can help solving differences between different stakeholders.

The importance of the *"best practices in multistakeholder mechanisms"* is mentinoned serveral times and considered as an element towards committment to the "public interest".

The GAC working group on the protection of geographic names in new gTLDs has developed a set of best practices that have the purpose of lowering uncertanties and conflicts in future rounds of new gTLDs, these are:

- ***- For the applicant:***
  - *Once a sting is selected to be requested as a new gTLD, a thorough search should be undertaken to determine whether the string is a geographic name, including but not limited to cities, countries, regions, subregions or other geographic related spaces.*
  - *Sources of information on geographic names could be the general available information on the Internet, embassies, regional organizations, international organizations, national, regional and city governments, among others.*
  - *If the selected string is directly related with a country, city, region, subregion or other geographic related spaces, the relevant authorities related with these denominations should be contacted.*
  - *Related information can be accessed using Internet searches.*
  - *Previous research and investigation about different meanings of the applied for string, considering also the notion of protection of a name even if it is being translated to another language.*
  - *In the case of doubts, encourage the applicant to establish contact previous to the application with the relevant authorities of the country – city – region – subregion.*

- ***- For ICANN:***
  - *Enhance outreach efforts to all countries and regions of the world previous to the next new gTLD round.*

- *Governments should have an appropriate way to raise concerns about the use of geographic names associated with their territories*

- For Governments / Applicants / ICANN:
- *Establish a clear process for governments to raise their concerns when their territories names used in the next new gTLD round.*
- *Establish clear steps / way forward for both the applicants and government in reaching consensus with the applied gTLD*
- *What's next if there is no consensus reached between both parties.*

These best practices are aligned with ICANN´s vision, which includes a reference about public interest related to trust and cooperation among stakeholders:

…
ICANN builds trust through serving the public interest, and incorporating the transparent and effective cooperation among stakeholders worldwide to facilitate its coordination role.

The ICANN Strategic Plan 2016-2020 indicates that the evolution of the domain name marketplace should not create *"conflicting agendas of key players thwart cooperation and evolution of marketplace to serve the public interest"*, and new gTLDs are part of the evolving domain name marketplace.

The Strategic Plan also indicates that there may be a *"perception that ICANN is driven by selected interests rather than the public interest".* Promoting the implementation of such best practices could avoid this posible misperception.

General Assembly Document about WSIS + 10 outcomes indicates that ther are still cross-cutting international public policy issues that require attention and have not been adequately addressed and also ecognizes the need to promote greater participation and engagement in the Internet governance discussions. This last element is also present in the ICANN Strategic Plan.

Finally, wether difficult and challenging to define, "public interest" is present in important documents, debates and dialogues with ICANN and other fora.

Specially within ICANN, there are several references to "public interest" that indicate that this concept is applied in a more extended way than the coordination of some critical Internet resources, covering also public policy issues, cooperation and evolution of marketplace and promoting greater participation.

f. References

ICANN Strategy Panel on the Public Responsibility Framework
https://www.icann.org/en/system/files/files/prf-report-15may14-en.pdf

Outcome document of the high-level meeting of the General Assembly on the
overall review of the implementation of the outcomes of the World Summit on
the Information Society
http://workspace.unpan.org/sites/Internet/Documents/UNPAN95735.pdf

IGF Workshop about "Public Interest" and Critical Internet Resources
http://www.intgovforum.org/cms/2015-igf-joao-pessoa/workshops/list-of-
published-workshop-proposals

NET Mundial document
http://netmundial.br/wp-content/uploads/2014/04/NETmundial-Multistakeholder-
Document.pdf

Exploring the Public Interest within ICANN
https://community.icann.org/display/prjxplrpublicint/Exploring+the+Public+Intere
st+within+ICANN%27s+Remit+Home

Annex I:

Feedback on the Public Interest Draft Document

On behalf of the Government of Peru

[1] It is not surprising to read a variety of definitions of the phrase "public interest". This is the reflection of a very old debate. One in which even though the Latin and Anglo-Saxon traditions did not agree on a single definition, they did so regarding the notion that the "common good " is intrinsic or embedded in the public interest.

[2] The debate is long and there are countless examples. What is important is to uphold the notion of a "common good" which goes well beyond the individual economic well-being to one were the center is the community and society as a whole.

[3] We found important to go back to basics on the definition involved because for many, the phrase "public interest" still holds a strong connection with utilitarian notions that priviledge business opportunities and therefore are not consistent with a multistakeholder approach.[4]

[4] In fact, ICANN should review the use of the phrase "public interest" and provide a definition that acompaces the true meaning of multistakeholderism.

[5] To this respect, although it is not a complete definition, we agree with the views expressed at the IGF in Joao Pessoa as a good reflection of the "common good" ICANN must persue:

- The public interest relates to equal access. It entails preserving things that important to the whole community, and is related to social, community and cultural dimensions.
- Public Interest is about the common wealth, which is defined in a particular time in a particular framework and society, and as such is an iterative process that adapts over time.
- Public Interest is about protecting the ecosystem from capture but relates also to the prevention of inequality and increasing public participation.
- Public Interest means that Internet should be stable, inclusive and accessible across the globe.
- Public interest policymaking is typically about regulating a monopoly and/or scarce resources.

[6] We also agree with the conclusions and particularly, with the paragraphs refered to the "Applicants" and to "ICANN". We find the paragraphs regarding "Governments/Applicants/ICANN" need further discussion.

Concerns of public comments

[7] We find very possitive that the business community refers repeatedly to the application of international law as it reflects the growing need of the community to refer to a higher jurisdictional order.

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[4] https://www.jstor.org/stable/190769?seq=15#page_scan_tab_contents

[8] Nevertheless, conveniently enough, the references to international law are only headed to obtaining the rights to any given geographical name. None of the comments made, mention the fact that international law enforceability within the scope of Internet is still done in a case by case study basis because of the lack of general governing principles. Moreover, the business community does not address the sovereignty issues raised by an Internet that traspasses borders.

[9] "*International law does not ignore national law. National law has been used as evidence of international custom or general principles of law, which are both sources of International law. Moreover, International law leaves certain questions to be decided by national law. Examples of these questions are those related to the spheres of competence claimed by States as regards State territory, territorial sea, jurisdiction, and nationality of individuals and legal persons... The international courts, including the International Court of Justice and its predecessor, have regarded national law as a fact that the parties may provide by means of evidence and not to be taken by the court ex officio. Moreover in examining national law the courts have in principle regarded as binding the interpretation by national courts of their own laws.*"[5]

[10] To this respect, the business community wrongly assumes that the only applicable law regarding geonames would be international law and in doing so, bypasses national laws and the rights inherent to sovereignty, in this case, the right to the given names to towns, prominent geographical accidents and communities located within the territory of a country.[6]

[11] The business community believes it is an uncalled for burden having to ask the rightful owners of geographical names for permission to use their names commercially. Furthermore, they insist on the "uncertainty" this process would create. What is the uncertainty in all this process? To get a NO for an answer? The real uncertainty would be not knowing the steps to follow in order to acquire the rights to use a given geographical name commercially.

[12] To this respect, it is also worth notting that agreeing on a procedure to obtain consent from any given country, does not precisely undermine specific geographical indications laws, trademark laws, consumer protection laws, or common laws. Furthermore, it protects the rights of millions of people behind a given name, strengthens the rule of law, the ongoing efforts of international organizations currently involved in this debate and last but not least, it also helps to counteract the notions that threat the multistakeholder system arguing that this system might not be reaching efectively all interested parties or that it favours the business community.

[13] We have also noticed that in a few cases, the concerns expressed by the business community go as far as disregarding even what is registered in the original gTLD Appplicant Guidebook regarding geographical names using notions such as "freedom of expression". These same concerns fail to mention their priorities or pursued commercial purpose vis a vis the rights of the communities which have a history and culture linked to a given name.

[14] The business community is asking for "evidence that there is a problem to be solved". We don´t find any difficulty in providing this evidence using the

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[5] https://sites.google.com/site/walidabdulrahim/home/my-studies-in-english/state-responsibility

experience the GAC has accumulated in the past years. More over, this issue is part of the proposed way forward of the WG.

[15] It should be notted that the lists for geographical names referred to in the original Applicant Guidebook (ISO, etc) are not exclusive. According to Geonames, there are 10 million geographical names which consists of over 9 million unique features whereof 2.8 million populated places and 5.5 million alternate names. Eventually, the search would be huge for applicants and ICANN but there are search engines already prepared for this purpose which would evidently lift the apparent burden.

[16] We find the general concerns expressed by the business community can not be matched with those expressed by the millions of people represented through the GAC.

[17] We too find that the intend behind the original gTLD Applicant Guidebook is indeed to create a trustworthy system and to avoid "unhealthy competition, misunderstood intentions, and strained relations…". To this respect, of all the gaps or mistakes identified in the original Applicant Guidebook, the idea of including a chapter on geographical names was coherent with the multistakeholder approach. As discussed in the GAC, for future rounds, this same chapter needs to include certain changes acknowledging the experience of the past year.

[18] Not every country is part of the GAC so it would be unfair to the ones not present to promote "ex ante" reserving names from use in the domain name system.   On the other hand, only promoting mechanisms for challenging applications for registrations of domain names would indeed create an unnecessary burden to all the parties involved.

[19] We believe the situation is complex enough and that the best course of action would be to pursue the consent of the country involved. This can be obtained through the GAC representatives or through the formal representation of a given country in United Nations.

[20] Through the analysis made, we have also consulted the only formal study on this issue made by professor Heather Ann Forrest. We find her book "Protection of Geographic Names in International Law and Domain Name System Policy" a valuable first approach to the issue but certainly not exclusive.   To this respect we envisage other studies that will most probably enrich the debate through a broader analysis.

[21] Peru protects its name and that of all the communities, towns and prominent geographical accidents located within its territory. We make sure this issue is clear in every free trade agreement we subscribe. We have defended our rights in countless courts of law around the world and we have always won the recognition we deserve. We take pride in allowing different countries using our names after special buildings, parks and plazas. We have invested and continue doing so in our names to build an international image around what belongs to us. Our situation is that of many other countries who do not deserve to be have their rights looked upon simply as a commercial opportunity for third parties.

Attachment A: Excerpts from the ICANN Strategic Plan 2016-2020

Introduction

ICANN is committed to its multistakeholder model of governance and believes that global inclusivity, transparency and accountability are critical to being trusted by its stakeholders worldwide to fulfill its Mission. ICANN encompasses ICANN's stakeholders—including its Supporting Organizations, Advisory Committees, and Nominating Committee—Board of Directors, CEO, and Staff. ICANN's multistakeholder model, therefore, defines its community. Bottom-up processes are used for its critical activities, such as policy development, strategic planning, and the selection of the ICANN Board of Directors. **ICANN strives to be a proficient, responsive and respected steward of the public interest through its commitment to public accountability, openness, and effective cooperation and collaboration.** These collective efforts culminate in a common shared goal: a single, interoperable Internet supported by stable, secure and resilient unique identifier systems

Vision

ICANN's vision is that of an independent, global organization trusted worldwide to coordinate the global Internet's systems of unique identifiers to support a single, open globally interoperable Internet. **ICANN builds trust through serving the public interest, and incorporating the transparent and effective cooperation among stakeholders worldwide to facilitate its coordination role.**

Mission

ICANN's founding mission, as stated in its Bylaws, is to coordinate, at the overall level, the global Internet's systems of unique identifiers, and in particular to ensure the stable and secure operation of these related systems.

This includes:
1. Coordinating the allocation and assignment of the following three sets of unique identifiers for the Internet (the IANA function):

   a. Domain names (used in a system referred to as "DNS");
   b. Internet protocol ("IP") addresses and autonomous system ("AS") numbers; and c. Protocol port and parameter numbers.

2. Coordinating the operation and evolution of the DNS root name server system.

3. **Coordinating the community's policy development reasonably and appropriately related to these technical functions.**

…
Strategic Objectives for the next five years
…

2.3 Support the evolution of domain name marketplace to be robust, stable and trusted.

KEY SUCCESS FACTORS (OUTCOMES) - Credible and respected industry that is compliant with its responsibilities as demonstrated by open, transparent, and accountable systems, policies, and procedures implemented using best practices. - High confidence in ICANN's coordination of the domain name system.

STRATEGIC RISKS - **Conflicting agendas of key players thwart cooperation and evolution of marketplace to serve the public interest**. - Loss of confidence in ICANN's coordination of the domain name marketplace.

4 Promote ICANN's role and multistakeholder approach.

Role clarity is a key challenge for the Internet governance ecosystem, as both the Internet and global geopolitical landscapes are in a nearconstant state of change. As a byproduct of this continuous change, organizational overlaps and gaps among the administrative and governing groups emerge. The result can be unhealthy competition, misunderstood intentions, strained relations, or duplication of effort and inefficient use of resources to solve problems. Or worse, the result can mean critical issues facing the Internet go unaddressed or unmanaged, exposing the world to their risks.
…

By extension of this effort, and without seeking to expand its role and mandate, ICANN commits to contributing to creating greater role clarity for the entire Internet governance ecosystem. We see opportunity for the ecosystem to be stronger together through greater cooperation and coordination. In this, we pledge open, transparent communications to foster a single, open, global Internet for worldwide benefit.

…
4.3 Participate in the evolution of a global, trusted, inclusive multistakeholder Internet governance ecosystem that addresses Internet issues.

KEY SUCCESS FACTORS (OUTCOMES) - ICANN is an effective contributor and supporter of a global and reliable Internet governance ecosystem and that addresses technical and non-technical issues for the global community.
 - Recognition by decision-makers across stakeholder sectors of the multistakeholder approach to govern the Internet.
- Demonstrate leadership by implementing best practices in multistakeholder mechanisms within the distributed Internet governance ecosystem while encouraging all stakeholders to implement the principles endorsed at NETmundial. - Proliferation of national and regional multistakeholder Internet governance structures.

STRATEGIC RISKS - Failure of Internet related organizations that impact the Internet ecosystem and threatens the preservation of one, open, secure global

Internet. - Failure to reach agreements on partnerships and objectives to serve the broader Internet community. - Pressure on ICANN to expand its remit.

4.4 Promote role clarity and establish mechanisms to increase trust within the ecosystem rooted in the public interest.

KEY SUCCESS FACTORS (OUTCOMES)

- Shared understanding by Board, staff and stakeholders of the allocation of responsibilities for design, development and implementation of policy and operational processes.

- Shared understanding of the roles, responsibilities and accountability of the Board, staff and stakeholders.

- Board, staff, and stakeholders use best practices and exercises appropriate behavioral norms.

STRATEGIC RISKS

- Failure to achieve targets for global diversity in ICANN, and for accommodating political and cultural differences in ICANN.
- Failure to align on a common framework for decision-making and allocation of responsibilities.
- As ICANN grows, inability to manage potential conflicts of interest and capture within the Board, stakeholders and staff.

5 Develop and implement a global public interest framework bounded by ICANN's mission.

…
ICANN seeks to develop a public responsibility framework for promoting the global public interest in the coordination of the Internet's unique identifier systems and in furtherance of ICANN's mission.
The framework will clarify ICANN's roles, objectives and milestones in promoting the public interest through capacity building, and increasing the base of internationally diverse, knowledgeable, and engaged ICANN stakeholders.

5.1 Act as a steward of the public interest.

KEY SUCCESS FACTORS (OUTCOMES)
- The ICANN community's decision and policy-making structures and processes are driven by a clear understanding of the public interest, including a healthy unique identifier system and marketplace.
- The 'L' root server and related infrastructure is enhanced to continually improve the services provided for the public interest.
- Common use across the ICANN community of best practices that demonstrate commitment to the public interest.

- Streamlined reviews that demonstrate the effectiveness of best practices in support of the public interest.

STRATEGIC RISKS
- Inability to reach consensus on what constitutes "public interest".
- Privacy concerns impact the ability to improve root services.
- ICANN community does not reach consensus on best practices related to the public interest.
- Perception that ICANN is driven by selected interests rather than the public interest.
- ICANN's structures evolve in a manner that results in capture or perception of capture by groups of stakeholders.

5.2 Promote ethics, transparency and accountability across the ICANN community

Attachment B: Excerpts from the Outcome document of the high-level meeting of the General Assembly on the overall review of the implementation of the outcomes of the World Summit on the Information Society

…
4. Internet governance

55. We reaffirm paragraph 55 of the Tunis Agenda, and in this regard we recognize that the existing arrangements have worked effectively to make the Internet the highly robust, dynamic and geographically diverse medium that it is today, with the private sector taking the lead in day-to-day operations and with innovation and the creation of value at the edges. However, almost 4 billion people, representing approximately two thirds of the people residing in developing countries, remain offline.

56. We recognize that there are many cross-cutting international public policy issues that require attention and have not been adequately addressed.

57. We take note of paragraph 29 of the Tunis Agenda and recognize that the management of the Internet as a global facility includes multilateral, transparent, democratic and multi-stakeholder processes, with the full involvement of Governments, the private sector, civil society, international organizations, technical and academic communities, and all other relevant stakeholders in accordance with their respective roles and responsibilities.

58. We reiterate the working definition of Internet governance, set out in paragraph 34 of the Tunis Agenda, as the development and application by Governments, the private sector and civil society, in their respective roles, of shared principles, norms, rules, decision-making procedures and programmes that shape the evolution and use of the Internet.

59. We reaffirm the principle agreed in the Geneva Declaration that the management of the Internet encompasses both technical and public policy issues and should involve all stakeholders and relevant intergovernmental and international organizations, within their respective roles and responsibilities, as set out in paragraph 35 of the Tunis Agenda.

60. We take note of the hosting by the Government of Brazil of the NETMundial Global Multi-Stakeholder Meeting on the Future of Internet Governance, in Sao Paulo, on 23 and 24 April 2014.

61. We recognize that there is a need to promote greater participation and engagement in the Internet governance discussions of Governments, the private sector, civil society, international organizations, the technical and academic communities and all other relevant stakeholders from developing countries, particularly African countries, least developed countries, landlocked developing countries and small island developing States, and middle-income countries, as well as countries in situations of conflict, post-conflict countries

and countries affected by natural disasters. We call for strengthened, stable, transparent and voluntary funding mechanisms to this end.

62. We note the important regulatory and legislative processes in some Member States on the open Internet in the context of the information society and the underlying drivers for it, and call for further information-sharing at the international level on the opportunities and challenges. A/70/L.33 15-21917 13/14 63. We acknowledge the role of the Internet Governance Forum as a multi-stakeholder platform for discussion of Internet governance issues. We support the recommendations in the report of the Working Group on Improvements to the Internet Governance Forum of the Commission on Science and Technology for Development,10 which the General Assembly took note of in its resolution 68/198 of 20 December 2013, and we call for their accelerated implementation. We extend for another 10 years the existing mandate of the Internet Governance Forum as set out in paragraphs 72 to 78 of the Tunis Agenda. We recognize that during that period, the Forum should continue to show progress on working modalities and the participation of relevant stakeholders from developing countries. We call on the Commission, within its regular reporting, to give due consideration to fulfilment of the recommendations in the report of its Working Group.
...

Attachment C: Excerpts from the ICANN Strategy Panel on the Public Responsibility Framework

ICANN Strategy Panel on the Public Responsibility Framework[7]

Abstract

As one of the key players in the Internet ecosystem, ICANN has the ability and the responsibility to ensure that the Internet remains a shared global resource. While it is argued that ICANN has a broad public responsibility towards all stakeholders **this panel framework report aims to explore how ICANN can better address the global public interest through a realistic approach that reviews its current activities, and identifies opportunities and key targets that can be addressed in the next few years to strengthen its commitment to ensuring that the Internet becomes and continues to be, stable, inclusive, and accessible across the globe so that all may enjoy the benefits of a single and open Internet.**

Outlined in the ICANN bylaws, as an independent, global organization, ICANN aspires to be the trusted worldwide body responsible for:
• Coordinating the global Internet's systems of unique identifiers.
• Facilitate the transparent and effective cooperation among stakeholders worldwide.
• Foster a single, open, globally interoperable Internet.
• **Serve the global public interest.**

…
Panel Definitions Submitted to ICANN:

As an independent, global organization, ICANN is one of the organizations charged with responsibility for an increasingly important shared global resource: The Internet. As one of the stewards of this resource, **ICANN recognizes it has a responsibility to protect and promote the global public interest, both throughout its work, and in collaboration with other entities.** ICANN's public responsibility permeates all areas of its work and is at the core of its operations.

ICANN defines the global public interest in relation to the Internet as ensuring the Internet becomes, and continues to be, stable, inclusive, and accessible across the globe so that all may enjoy the benefits of a single and open Internet. In addressing its public responsibility, ICANN must build trust in the Internet and its governance ecosystem.

This vision is central to ICANN's public responsibility framework; however, there is a need to define particular areas of focus and target topics, regions, and stakeholders that need to be addressed in relation to ICANN's responsibility to serve the global public interest.

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[7]ICANN Strategy Panel on the Public Responsibility Framework
https://www.icann.org/en/system/files/files/prf-report-15may14-en.pdf

II. FRAMEWORK AIMS AND DEFINITIONS

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