**Review our Expected Standards of Behavior when participating in ICANN Meetings.**

Go to:
http://go.icann.org/expected-standards

**Review the ICANN Community Anti-Harassment Policy when participating in ICANN Meetings.**

Go to:
http://go.icann.org/anti-harassment

**Do you have a question or concern for the ICANN Ombudsman?**

Email ombudsman@icann.org to set up a meeting.

ICANN

# ICANN74 - GAC Preparation for Meeting with the ICANN Board

Tuesday, 14 June 2022
Session # 5

**ICANN | GAC**
Governmental Advisory Committee

**ICANN**
**POLICY FORUM** 74
**THE HAGUE**

# Session Goals (GAC Chair)

- Background to GAC Members regarding GAC Bilateral Meetings with Board at ICANN Public Meetings

- Review and Confirm or Revise GAC Topics, Questions and Messages to ICANN Board

**ICANN** **POLICY FORUM** 74

**THE HAGUE**

# Background (GAC Chair)

1. GAC Bilateral Meetings with other community groups are an important and regular feature of ICANN Public Meetings.

2. During the last two years, these bilateral meetings have remained important regular interaction points to preserve and expand useful GAC connections with the Board and others. They can also provide useful venues to highlight and emphasize areas that are likely to be in the GAC Communiqué.

3. Recently, the GAC has employed a targeted "topical/Q&A" agenda approach for these meetings which necessitates focused GAC preparation, discussion and coordination prior to the individual sessions.

4. This session is an opportunity to confirm the topics and questions previously shared with the ICANN Board in preparation for this week's meeting.

# Board - GAC Preliminary Meeting Agenda

*Meeting scheduled for Wednesday 15 June at 0830 UTC (1030 local time)*

1. Introductions

2. Discussion of GAC Topics/Questions

    a. SSAD Light Prioritization and Community-driven Solutions Being Built (GAC Questions)
    b. Accuracy Registration Data (GAC Question)
    c. Follow-Up Regarding Global Public Interest (GPI) Framework
        i. GAC "inclusiveness" update
        ii. GAC Questions

3. Discussion of Future GAC Information Opportunities

4. AOB

# GAC - Board Meeting - GAC Topics/Questions

**Three Major Topic Areas:**

1. SSAD Light Prioritization and Community-driven Solutions Being Built (GAC Questions)
2. Accuracy Registration Data (GAC Questions)
3. Follow-Up Regarding Global Public Interest (GPI) Framework
   i. GAC "inclusiveness" update
   ii. GAC Questions

**ICANN POLICY FORUM 74**
**THE HAGUE**

1.  **SSAD Light Prioritization and Community-driven Solutions Being Built**

    a.  **How can the ICANN Board ensure that an evaluation of an SSAD Light concept is completed in a timely manner?**

    b.  **Is the ICANN Board aware, and if so, what are its views, on community-driven proposals for implementations of GDPR-compliant registration data disclosure systems?**

    c.  **Given efforts on the SSAD developments to date, has the Board developed any general perspectives on the general usefulness and]\scope of the system concept?**

**ICANN POLICY FORUM 74 THE HAGUE**

2.  **Accuracy of Registration Data** (In connection with ICANN's planned outreach to Data Protection Authorities for Guidance)

    a.  **Has ICANN org requested and/or received legal advice on the issue of whether there is a legal basis for ICANN org to access registration data for purposes of accuracy verifications?**

ICANN POLICY FORUM 74

THE HAGUE

## 3. Follow-Up Regarding Global Public Interest (GPI) Framework

### Inclusiveness Update - Background

- GAC conducted several discussions at ICANN73 - community plenary, internal, with Board and other groups
- **Subsequently, the GAC recognized the importance of incorporating Global Public Interest (GPI) considerations into policy development and decision-making at ICANN.** The GAC also continued internal discussions regarding the concept of inclusiveness during that time.
- GPI was an "Issue of Importance" in GAC ICANN73 Communiqué (including, "The requirement of inclusiveness established in the Articles of Incorporation should be explicitly enshrined in the GPI framework.")
- This particular language prompted interest from Board members who suggested that it would be useful to clarify what the GAC meant by the term.

**ICANN POLICY FORUM 74**
**THE HAGUE**

# GAC - Board Meeting Preparations - GAC Topics/Questions

## 3.   Follow-Up Regarding Global Public Interest (GPI) Framework

### Inclusiveness Update - Developing GAC Views

- A)    GAC Members believe it is critical to the legitimacy of ICANN that the organization allows all stakeholders to participate meaningfully in its processes, and to express their needs and interests. Only by taking them into account can ICANN claim to act in the global public interest.

- B)    The concept of inclusive policy-making is multifaceted and includes notions of diversity, openness, meaningful participation, and responsiveness to different interests… definitely "inclusiveness" is much more than just an "open door" (i.e. PDPs that are "open" to volunteer participation). It should mean that all interested stakeholders are able to participate, actually do participate thanks to an enabling environment, and have a fair say and impact on the results of the process (a possible interesting source: https://www.oecd-ilibrary.org/governance/government-at-a-glance-2013/inclusive-policy-making_gov_glance-2013-51-en [oecd-ilibrary.org])

- C)    Within the specific parameters of the Global Public Interest at ICANN, the concept of inclusiveness should be broken down to a series of aspects (see previous bullet) that can be measured in some way or another. This should be included explicitly in the GPI framework, as part of the elements against which a PDP or other outcomes is measured up in order to ascertain whether it is in the global public interest.

## 3.   Follow-Up Regarding Global Public Interest (GPI) Framework

### Inclusiveness Update - Developing GAC Views (cont.)

- D)   The June 2020 ICANN *Discussion Paper: Developing a Public Interest Framework* presents a "Proposed Framework" and a long list of Bylaws considerations fashioned as questions to potentially be applied in the context of existing or new policies that might be developed. Among those 18 "questions", three critical questions stand out that specifically apply to the policy development process of such great interest to the GAC:
    - i)   Eighth Question - Will [or did the policy development process"?] 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.
    - ii)   Ninth Question - Will [or did the policy development process] seek and support 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?
    - iii)  Tenth Question - [Will or did the policy development process] strive to achieve a reasonable balance between the interests of different stakeholders, while also avoiding capture?

# GAC - Board Meeting Preparations - GAC Topics/Questions

## 3. Follow-Up Regarding Global Public Interest (GPI) Framework

### Inclusiveness Update - Developing GAC Views (cont.)

- E)    The Discussion Paper itself, in footnote 4, addresses the term "inclusion" by stating, "in identifying the public interest that is being served in a particular context, consideration should also be given to individuals and groups that are not a part of the conversation in order to support and promote inclusion." (see Discussion Paper at page 7)

- F)    Some GAC Members stress the importance of the "impact on the outcome of the policy process" in ensuring meaningful participation from diverse set of stakeholders - and hence inclusiveness. If stakeholders do not perceive their participation will have an impact or that participation is organized in a meaningful way, then they will disengage even in processes that are fully "open".  In this respect, the answer to the Tenth question outlined above (achieving a reasonable balance between the interests of different stakeholders, while also avoiding capture) is especially important.

## 3.   Follow-Up Regarding Global Public Interest (GPI) Framework

**GAC Questions**

a.   The GAC noted in the "Issues of importance to the GAC" section of the ICANN73 GAC Communiqué that: "The GPI framework could be adapted and applied by all ACs and SOs in their work, including, for example, through the process of developing and endorsing policy recommendations, decisions and public comments." **How has the Board considered advancing discussion with the different ACs and SOs on ways to take into account the global public interest, as part of their work and outputs?**

b.   In addition, the GAC noted that "the initial application of the GPI to the SSAD ODA appears to have been limited". **What measures could the Board take to ensure that "public interest concerns are not only considered but effectively addressed"?**

# Discussion of Future GAC Information Opportunities

## Background

- Board and GAC have made substantial progress in last few years on interaction and collaboration
- Opportunities are coming up to build on this progress (e.g., Next round of New gTLDs)
- GAC Played a significant role in development of the Applicant Guidebook for the first round of new gTLDs.

## Discussion

- GAC is playing an important role in policy development and discussions about the next round and Board is interested in continued effective engagement
- Help get newer GAC participants up-to-speed to prepare for next round
- Discussion of sharing Org paper summarizing how GAC Advice was considered during first round of new gTLDs
- Consider methods for future Board-GAC dialogue on this topic (e.g., topic-specific webinars and briefings, etc.)

**ICANN POLICY FORUM 74**
**THE HAGUE**

# Thank you!

ICANN
POLICY FORUM 74
THE HAGUE