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AT-LARGE ADVISORY COMMITTEE

ALAC Feedback on the ICANN Board's Proposed Public Interest Framework

The public interest is more of a political concept that usually accompanies other main principles like transparency and accountability. As mentioned in the paper there were many attempts in the past to define the public interest in relation to ICANN's remit that did not succeed. This is understandable because generally speaking it is difficult to pin down exactly what public interest means. Usually we look at the public interest in relation to the common good and common interest. The public interest in relation to ICANN's work should be scope and purpose specific. Therefore, trying to identify the public interest in relation to specific purposes or instances and how these instances link to ICANN's work as defined by its mission and bylaws makes sense. Also, in determining the public interest one should not only look at the outcome, but also at the process and procedures that led to the outcome and the proposed framework, takes into consideration ICANN's multistakeholder community and the policy development process. So, Conceptually speaking the tool developed seems logical, however the problem lies in how we practically apply it or make use of it. In an attempt to actually use the tool, one could argue that two stakeholder groups with opposite opinions on the same subject matter could equally use the tool and each prove that his decision or comment is in the public interest. This is because both opinions could be complying with the mission and bylaws. Using the tool to justify one position over the other could prove in some cases to be not useful. However, after reaching a certain decision, the tool could be used to make sure that the decision or comment is in the public interest.

To conclude the proposed GPI tool could be useful in determining what is not in the public interest and in noting how an already taken decision or comment serves the public interest. However, it will be challenging to use the tool to favor one path over another.