Enhancing ICANN Accountability

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Remote Participation

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Cameroon Chapter
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ATI-404 LAB (Tunisia)
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Inventory of ICANN’s Accountability Efforts

- Bylaws
- The Affirmation of Commitments
- Bylaws-Mandated Redress Mechanisms
- General ICANN Operational Information
- ICANN Board Selection Process
- Documented Relationships
  Registry Agreements, Registrar Accreditation Agreements, ccTLD Relationships, etc.
- Affirmation of Commitments Reviews
- Organizational Reviews
- External Laws
- Board of Directors Documentation

*Non-exhaustive inventory

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The Affirmation of Commitments

Accountability & Transparency Review (ATRT1 & ATRT2)

Affirmation of Commitments Reviews

Security, Stability and Resiliency of the DNS Review (SSR)

Competition, Consumer Trust and Consumer Choice Review (CCT)

WHOIS Policy & Implementation Review (WHOIS)
Inventory of ICANN’s Accountability Efforts

Bylaws-Mandated Redress Mechanisms
- Office of the Ombudsman
- Reconsideration Process
- Independent Review Process

Organizational Reviews
Inventory of ICANN’s Accountability Efforts

- General ICANN Operational Information
  - Finances
  - Metrics
  - Performance
- External Laws
Inventory of ICANN’s Accountability Efforts

- ICANN Board Selection Process
  - Resolutions, Minutes and Briefing Materials
- Board of Directors Documentation
  - Advice Tracking Tool
  - Statements of Interest
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What would ICANN accountability mean, and how it would work, after the US Government withdraws its stewardship through the IANA contract?
GENERAL PUZZLE

• How does one establish effective and legitimate accountability in circumstances of private global governance?

• Considerable privatization of global governance *inter alia* in areas of environment, finance, investment, sport and trade as well as communications.
ICANN AS PIONEER?

• No other institution of private global governance has had its accountability under greater scrutiny than ICANN?

• Few global governance bodies have experimented as much with new constructions of accountability relations, especially in ’multistakeholder’ vein?
WHY SUCH AN ISSUE FOR ICANN?

• high stakes of Internet governance (wealth, power, identity)
• anomaly of ’global’ accountability through a single state
• ’openness’ discourse of the Internet
• energetic public-interest mobilization
9 KEY FRAMING QUESTIONS

- What is accountability; with what components; for what purpose?
- Accountability by whom; for what; to whom?
- Accountability through what channels; how equitably; how accountably?
- Asking questions, claiming no answers
What Is Accountability?

• variously understood; ‘Anglo’ term
• processes whereby an actor answers to other actors for the impacts on them of its actions and omissions

• ICANN answers to its constituencies for the ways that its actions and omissions affect them
What Comprises Accountability?

• transparency
• consultation
• monitoring and evaluation
• correction and redress

Do ICANN operations adequately incorporate these processes?
Accountability for What Purpose?

- financial review; ‘the accounts’
- performance measurement
- democratic participation/control
- moral probity; ecological integrity; peace; etc.

• To what end(s) is ICANN accountable?
Accountability by Whom?

• challenge (if not impossibility) of pinning down and specifying impact in the context of complex polycentric governance

• When and to what extent does ICANN (and which actors within ICANN) need to answer for outcomes?
Accountability for What?

• actual formal mandate
• desired mandate (content? spam? digital access?)
• For what range of issues and outcomes should ICANN be held accountable?
Accountability to Whom?

• ‘the public’ of significantly affected people (but metaphysical, ecological?)

• ‘the public’ not unitary, as different people are differently affected

• constituencies (divisions within and overlaps between)

• *Who is ICANN’s public; and into what constituencies does it fall?*
Accountability for Whom?
Accountability for Whom?

• myth of a universal ‘global community’ with same interests and equal power

• skewed accountability on lines of age, caste, class, (dis)ability, faith, gender, geography, language, nationality, race, sexuality

• How diverse, inclusive and empowering is ICANN accountability? Where is Zainab?
Accountability via What Channels?

• hegemonic veto
• intergovernmental multilateralism
• (global) political parties and parliaments
• multistakeholder arrangements
• civil society deliberation and mobilization
• judiciary (court, inspection panel, evaluation exercises, ombudsman)
• mass media

• *What combination of mechanisms can best advance ICANN accountability?*
Accountability of Accountability?

• ‘When you point a finger, you need to do it with a clean hand’
• Transparency, consultation, monitoring and redress of those who (claim to) speak for affected publics
• *How accountable are those who seek to make ICANN accountable*?
(NON-) CONCLUSION

- no consensus on ICANN accountability is available
- preferences regarding accountability are connected to identities, interests and power, which are inevitably diverse and conflicting
- accountability is always pursued and never achieved – but better for trying