

Enhancing ICANN Accountability

26 June 2014



Remote Participation

 → 11 INTERACTIVE HUBS
 → 5 BROADCAST HUBS



Remote Participation

**Internet
Society**



Benin Chapter

Cameroon Chapter

Kenya Chapter

Liberia Chapter

Pakistan Chapter

Philippines Chapter

Togo Chapter

ATI-404 LAB (Tunisia)

Kenyatta University (Kenya)

Kabarak University (Kenya)

Broadcast Hubs:

Buenos Aires, Argentina

Dhaka, Bangladesh

Istanbul, Turkey

Kampala, Uganda

N'djamena, Chad

Trinidad & Tobago



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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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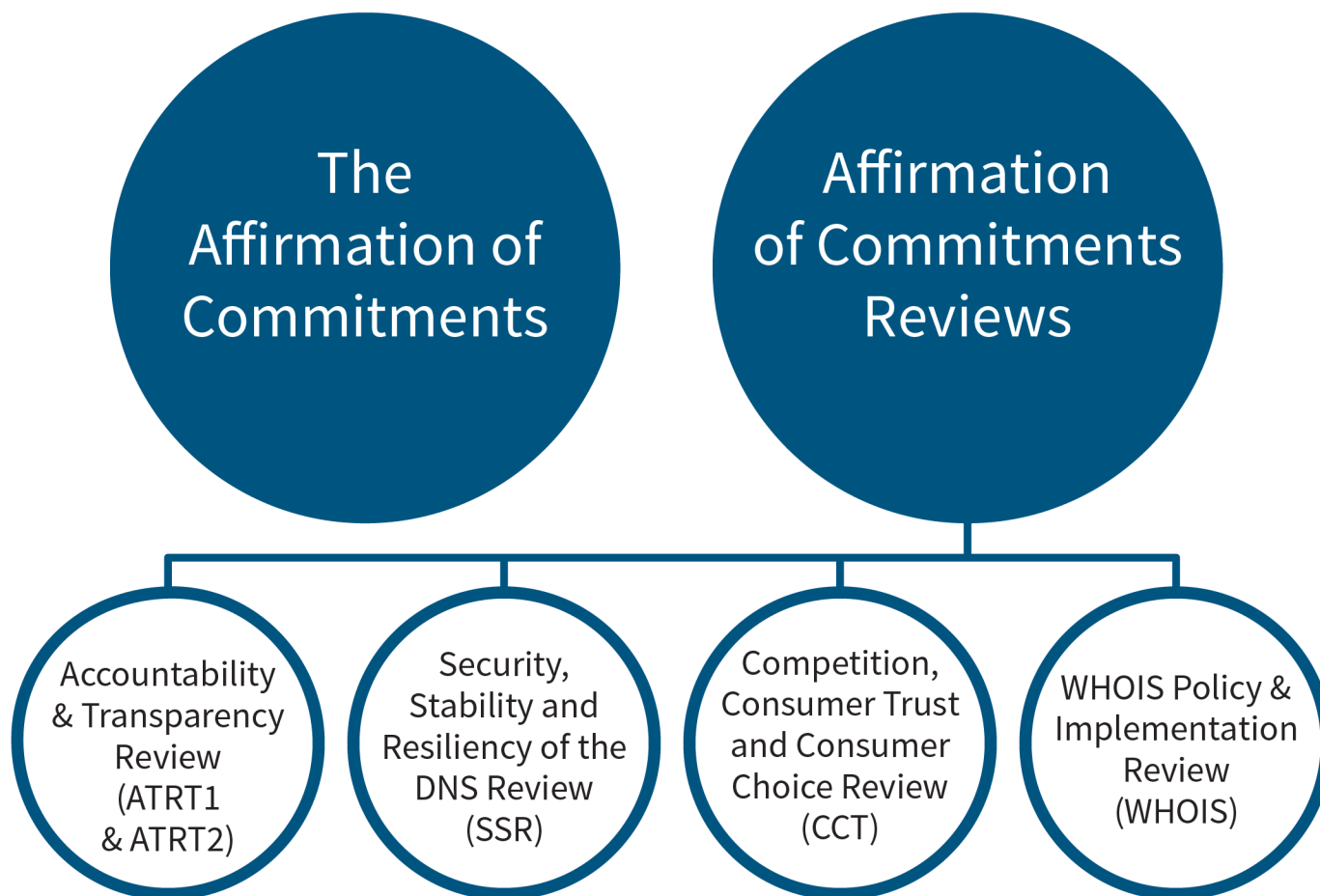
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Bylaws

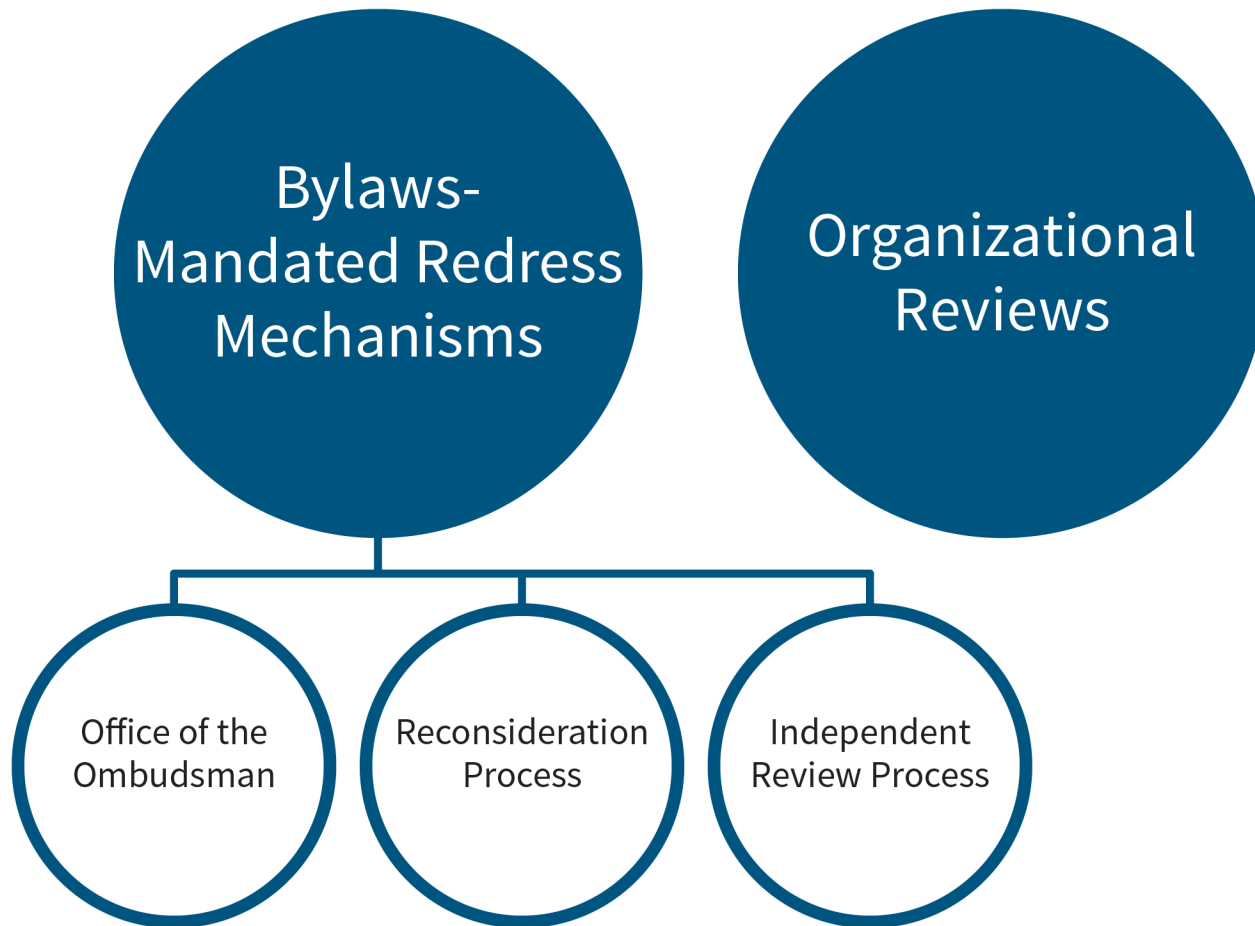
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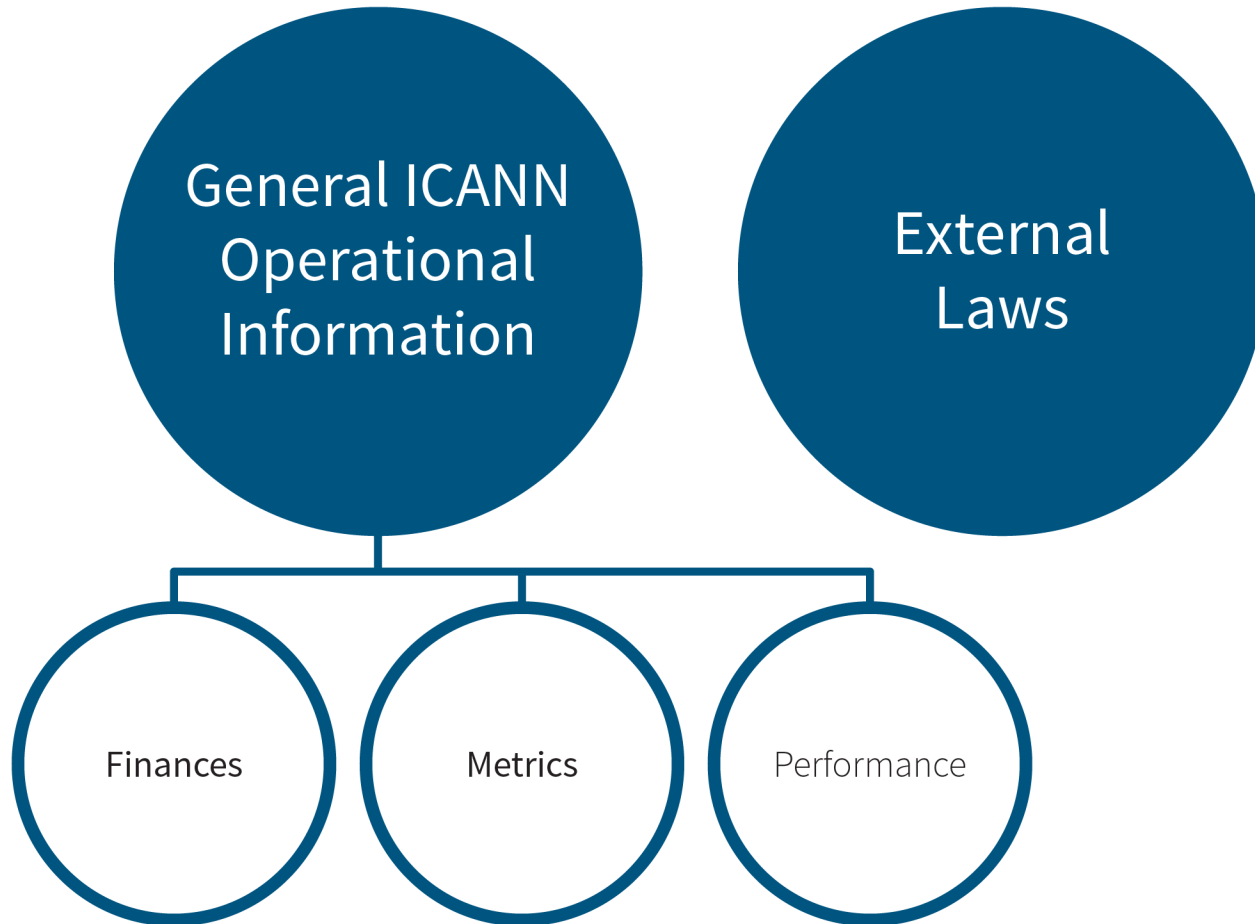
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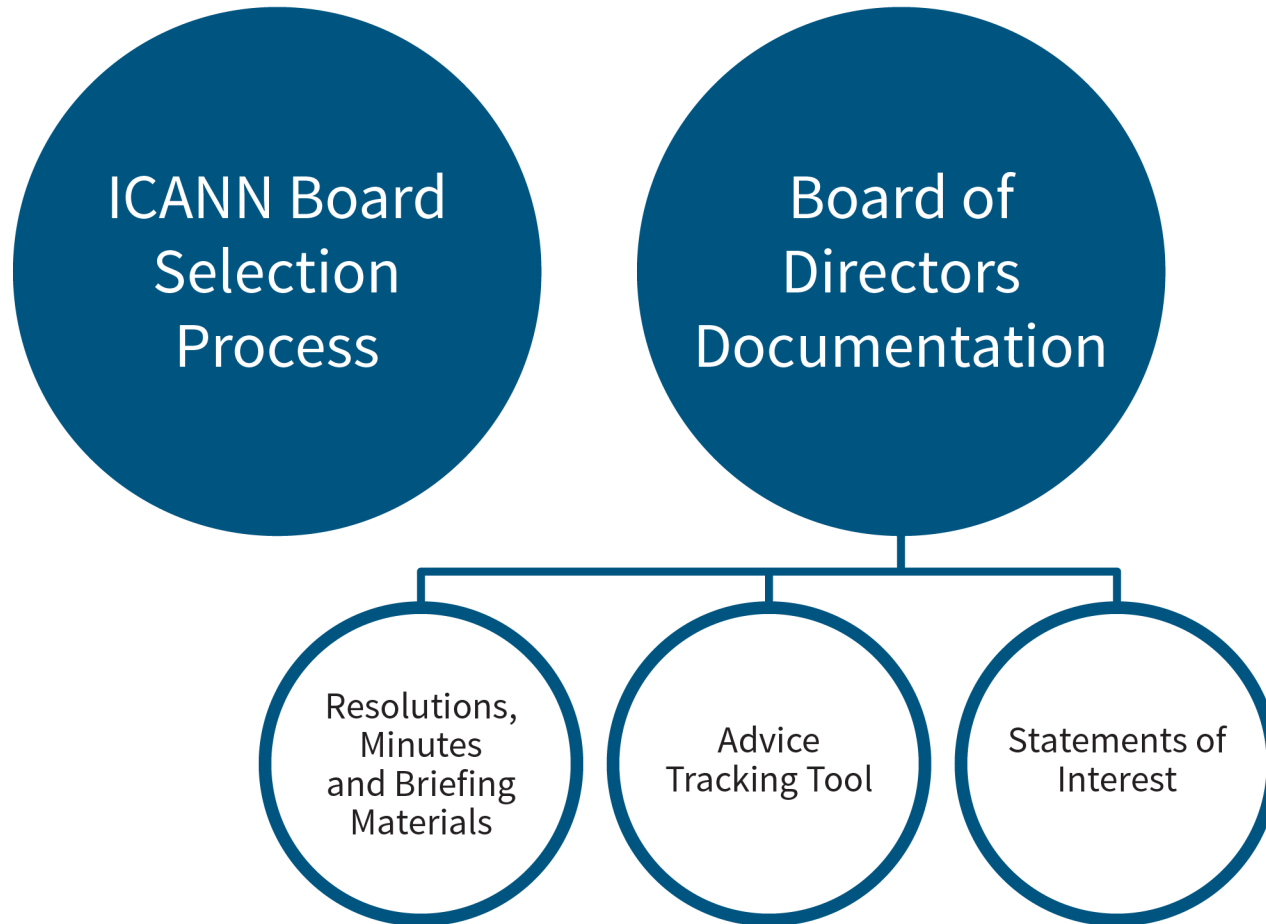
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SPECIFIC PUZZLE

*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



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Q&A

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