External Deliberative Accountability to the global multi-stakeholder Internet community

The issue of ICANN’s accountability to the global multi-stakeholder Internet community has been a common thread of the CCWG-Accountability’s deliberations. Jan Aart Scholte has raised it several times as an important accountability issue: who watchers the watchers, who guards the guardians?

While a lot of attention has gone into developing and refining a community membership model and forms of internal accountability, and rightly so, it is perhaps a good time to look at what can be developed with regard to external accountability.

In the Internet Governance ecosystem, there is a relatively new multi-stakeholder initiative in the form of NETmundial, which arose out of a Global Multistakeholder Meeting on the Future of Internet Governance, convened in Sa᷉o Paulo, Brazil on April 23-24, 2014. The key feature of the NETmundial initiative is that it can undertake actions with respect to Internet governance, unlike the Internet Governance Forum (IGF) which is a space for dialogue and deliberation and not action. NETmundial agreed to a set of principles for Internet Governance and established an Inaugural Coordination Council to take the initiative further. On March 31 2015, NETmundial convened a working meeting at Stanford University which inter alia worked on a Terms of Reference for its activities. NETmundial’s Inaugural Coordination Council is set to meet in Sa᷉o Paulo, Brazil on June 30 2015.

It may be worth exploring whether NETmundial would be willing to coordinate a global accountability function with respect to the IANA transition process. This could involve NETmundial’s Coordination Council setting up an IANA Transition Accountability Working Group, which would review ICANN’s accountability for implementing the four principles of the IANA transition to:

* Support and enhance the multistakeholder model;
* Maintain the security, stability and resiliency of the Internet DNS;
* Meet the needs and expectations of the global customers and partners of IANA services;
* Maintain the openness of the Internet.

Such an Accountability Working Group would be structured on the model of the Working Group on Internet Governance (WGIG) that was formed on a multistakeholder basis during the Geneva phase of the World Summit on the Information Society. The WGIG played a key role in providing a definition of Internet Governance and a proposal for a space for public dialogue, the Internet Governance Forum, which were adopted in the Tunis Agenda of 2005 and which enjoy broad multistakeholder support.

The evaluation report of such an IANA Transition Accountability Working Group could be formally tabled with ICANN’s community for consideration. The success or otherwise of the project would itself have to be assessed with respect to the extent to which it reflects a form of global accountability for ICANN with regard to the IANA transition. It would clearly be a form of deliberative accountability rather than accountability of the principal-agent variety, with its attendant sanctions.