Accountability at ICANN

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- Problem Statement
  - ICANN is a monopoly with control over a scarce/critical resource
  - Greatest risk is exercise of monopoly power to
    - Secure excess profit/surplus
    - Impose substantive policy agenda
- Four necessary interrelated accountability requirements
  - Control over budget process
    - Limitation on fees
    - Cap on surplus
  - Community based control
    - Review Board decisions
    - Compel Board/ICANN action
    - Exercise broad policy control/direction
  - Independent arbitral/judicial review
    - Binding dispute resolution
      - Board v. Community
      - ICANN v. customers
    - Can be external or internal
    - Will be sovereign-based to some extent, but can also be international
  - Redress should be for both procedural and substantive errors
    - Note: April 2013 Board redress revisions move in wrong direction
  - Limitation on subject matter of ICANN activity
    - May require Bylaw/Article of Incorporation amendment
    - Avoid mission creep