



Norwegian Comments to the Draft Proposed Recommendations – The Accountability and Transparency Review Team

The Norwegian Post and Telecommunications Authority welcomes on behalf of the Government of Norway the opportunity to provide comments on the Draft Proposed Recommendations made by the Accountability and Transparency Review Team. We would also like to commend and thank the A & T Review Team for creating recommendations intended to enhance accountability and transparency in the decision making processes of ICANN as set out in the Affirmation of Commitments.

We believe that the recommendations generally are well suited to meet this goal in the global public interest, provided that ICANN in a sufficient and effective manner accommodates to the report and works with all stakeholders in the community, included the GAC, to implement the recommendations within specified timelines. We also believe that setting up oversight procedures as proposed by the Accountability and Transparency Review Team will have a beneficiary effect on the implementation process.

For Norway it is essential that transparency and accountability performance is maintained and improved not only in the short term but also in the long term and throughout the entire organization. We therefore welcome the recommendation to establish an internal review cycle. However, it is important that this internal mechanism is organized in a way that will ensure a high degree of accountability and transparency. Further, we would like to underline the importance of securing that all stakeholders, including governments, are duly taken into account in all stages of the policy development of ICANN. The importance of GAC advices should not be underestimated in this respect.

The legitimacy of ICANN as a multistakeholder body working in the global public interest is essential. In this respect we find it very important that all inputs, proposals and opinions originated by the stakeholders, including governments, can be traced throughout the entire process up to and including final decisions taken by the board.

Norway is of the firm opinion that the present practice of communication between the GAC and the ICANN Board handling the GAC advice is not very good. In our view, the present practice is in an urgent need for improvements which i.e. could lead to an enhanced status for the GAC within the organization. We therefore especially welcome and support the draft recommendations 12 – 16 regarding the role and effectiveness of the GAC and its interaction with the Board. We believe that the draft

recommendations under section B, if implemented, will lead to a necessary strengthening of ICANN as an accountable public interest organization.

According to the ICANN Bylaws, the Board members are obliged to act in the interest of the global Internet community but they are not accountable in the normal meaning of the word. This especially applies to the Board members selected by the NomCom. In our view it could be argued that this system indicates that there is insufficient accountability and perhaps even a shortage of classical democracy within ICANN. Despite the lack of recommendations in this respect, we very much welcome and support the draft recommendations regarding governance, performance and composition connected with the Board, especially the draft recommendations 1- 3. We also underscore that it is essential that the Board conducts its business in a way so that it cannot be questioned that decisions are made in the public global interest.

Finally, we have a few additional remarks:

With reference to the recommendations by the President's Strategy Committee, we strongly believe that ICANN should continue to explore the ways in which an international legal entity could be established. The incorporation of ICANN under US (Californian) law means that ICANN's legal accountability is very narrow and in our view needs to be further enhanced.

The draft recommendations in the executive summary must not be detached from the findings and conclusions in the report. The draft recommendations must in order not to loosen their strength be read as a part of the report itself.

Norway is looking forward to working with the Accountability and Transparency Team, the ICANN Board and the rest of the community to improve the possibilities for all stakeholders, including the governments, to contribute to and influence upon ICANN's policy and decision making through the entire process up to and including decisions by the Board.

Yours sincerely,



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