



Danish Comments to the Accountability and Transparency Review Team Draft Proposed Recommendations

The Danish Ministry of Science, Technology and Innovation appreciates the opportunity to provide comments to the Accountability and Transparency Review Team Draft Proposed Recommendations posted for public comment on 3 November 2010.

Denmark would like to commend and thank the members of the Accountability and Transparency Review Team for their work and commitment to make recommendations to improve accountability and transparency in ICANN's decision making processes in the global public interest as set out in the Affirmation of Commitments.

Denmark believes that the recommendations over all are well suited to meet this goal. The next important step is to ensure that ICANN effectively takes into account the report and works with the community to implement the recommendations. To this end Denmark supports setting up specific timelines and oversight procedures of the implementation process.

In ensuring that transparency and accountability performance is maintained and improved throughout the organization continually in the long term, the overarching recommendation to establish a regular internal review cycle is welcomed. The internal review, however, should be carefully designed to ensure a high degree of transparency and accountability.

It is essential that all inputs to the policy development of ICANN can be traced throughout the entire process and in the end in the final decisions taken by the Board. All Stakeholders, including governments, involved in ICANN's policy-making must have been duly taken into account in all stages of the process. This is essential for the legitimacy of ICANN as a multistakeholder body working in the global public interest.

As such, transparent and formally established processes are crucial elements in strengthening ICANN as an accountable public interest organization. This includes adopting the practice of explaining in detail the outcomes and choices of the decisions made at all levels of the decision making process as well as clarification and prioritization of issues, publication of work programs and agendas along with clear timelines that provides the community adequate time for mean-

23. November 2010

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Page 1/2

ingful engagement. In this regard, we would like to highlight recommendation 17.

With regard to the role and effectiveness of the GAC and its interaction with the Board, governments are accountable to the general public and must act in the public interest. Therefore it is paramount for ICANN's global legitimacy as a public interest organization that ICANN seeks to increase the level of support and commitment of governments to the GAC. To this end we specifically welcome recommendation 16.

Acknowledging that governments and the GAC should do the utmost to participate in ICANN's multistakeholder decision making processes in a timely manner, it should still be recognized that government processes are different from processes in other sectors. Also in this context transparent and stratified processes are important.

Moreover, it should be acknowledged that governments have different views on public policy and that this is valuable information for ICANN.

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In conclusion, we have a few additional comments:

Page 2/2

With regard to Board governance in general, it is essential that it cannot be questioned that decisions are made in the global public interest.

Furthermore, ICANN's legal accountability is very narrow as the organization is incorporated under Californian law. As recommended by the President's Strategy Committee (PSC), ICANN should continue to explore the ways in which it can create an international legal entity (Denmark notes that Brussels and Switzerland was suggested by the PSC) in order to further enhance the organization's accountability to internet users globally.

Lastly, a remark regarding the structure of the report: We believe it is important that the recommendations in the executive summary are not detached from the findings and conclusions in the report, because when read out of context the recommendations lose their strength.

On this note, Denmark is looking forward to working with the Accountability and Transparency Review Team, the ICANN Board of Directors and the rest of the community to improve working methods and processes for early engagement and dialogue in ICANN's policy and decision making.

Yours sincerely,



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