



Ministero dello Sviluppo Economico

Istituto Superiore delle Comunicazioni e delle Tecnologie dell'Informazione

Italian Comments on the CCWG-Accountability Draft Proposal

Italy welcomes the Cross Community Working Group (CCWG) Accountability Initial Draft Proposal and we want to commend the CCWG-Accountability members and the Co-Chairs for their strenuous, hard and valuable work.

Furthermore, Italy welcomes the statement by the National Telecommunications Information Administration (NTIA) on 14 March 2014, announcing its “Intent to Transition Key Internet Domain Name Functions” by September 2015.

Moreover, we are pleased to respond to the call for public comment on the draft proposal.

We are of the opinion that there is a need to improve ICANN transparency, accountability and redress mechanisms.

Furthermore, there is necessity for strengthening ICANN accountability and providing for effective and affordable means of redress, with adequate guarantees of independence.

The focus of our comments are on the role of the GAC and on the Recalling of Board Members.

Role of the GAC

The role of the GAC is to provide ICANN with “advice on public policy aspects of specific issues for which ICANN has responsibility. This is an important dimension of ICANN’s work”¹.

Nevertheless, in the current framework, the GAC held only a non-voting position in the Board of Directors of ICANN.

In the new model, it might be considered that GAC could appoint at least a Voting Director in the Board.

Recalling of Board Members

Paragraph 5.5 “Power: Removing individual ICANN Directors” states:

“The Board is the governing body of ICANN, with main responsibilities that include employing the President and CEO, appointing the Officers, overseeing organizational policies, making decisions on key issues, defining the organization’s strategic and operating plans and holding the staff to account for implementing them.”

¹ <https://gacweb.icann.org/display/gacweb/About+The+GAC>

Directors are currently appointed for a fixed term and generally are in office for the whole term they are appointed - by their SO/AC, by the Nominating Committee. In addition the Board appoint the President and CEO (confirmed each year at the AGM). The power to remove individual directors of the ICANN Board is available only to the Board itself, and can be exercised through a 75% vote of the Board. There is no limitation on the types of situation for which the Board can remove a director. This power would clarify that each specific community organization that appoints a given director may end his or her service in office, prior to the expiration of the term, and trigger a reappointment process. The general approach, consistent with the law, is that the appointing body is the removing body.

For the seven directors appointed by the three Supporting Organizations or by the At-Large community (or by subdivisions within them e.g. within the GNSO), a process led by that organization or subdivision would lead to the director's removal.

For the directors appointed by the Nominating Committee, the CCWG-Accountability seeks the community's views about how to allow for removal. Following the principle of "the appointing body is the removing body", it does need to be the NomCom that takes the decision to remove one of these directors. Consistent with the Reference Mechanism outlined above, we expect that the NomCom will need to obtain legal structure to be able to remove directors as well as to appoint directors.

Our initial view is that such a removal process should only be triggered on the petition of at least two of the SOs or ACs (or an SG from the GNSO). Such a petition would set out the reason/s removal was sought, and then the NomCom would consider the matter. Legal counsel is also considering alternative approaches that would permit NomCom to act without itself becoming a legal entity"

It's our opinion that, taking into account the horizontal role of the GAC, it might be important that the GAC can propose the removal of a member of the Board.

In that case, all the SO/ACs and the NomCom could participate in the voting process.

To conclude, we reaffirm our commitment to contribute to the reform of Internet Governance, both on the IANA transition and on the ICANN Accountability.

Yours sincerely,

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