

# **Cross Community Working Group on Enhancing ICANN Accountability**

Workstream 2 - Human Rights Subgroup

Meeting 8 - October 11 - 19:00 UTC

# Agenda

## 1. Administrivia

Roll call, absentees, Sols, etc

## 2. Analysis and discussion of proposed definition of applicable law by David McAuley

## 3. Analysis and discussion on new draft FoI document produced by Draft Team

## 4. AOB

# Proposed definition of applicable law

My understanding of the concept of applicable law refers to **that body of law that binds ICANN at any given time and in any given circumstance. It could consist of statutes, rules, regulations and the like, as well as decisional orders/rulings of courts having appropriate jurisdiction, that take effect through the power of a legitimate governmental entity.**

It is a changeable concept inasmuch as laws, regulations, etc. change over time. It can be fairly long-lasting, such as California corporate-governance rules impacting ICANN, or it can be fairly short-term in effect: if ICANN chooses to organize a meeting of its board, staff and community in Hyderabad then the board, staff, and community must observe Indian travel regulations affecting visitors.

Applicable law can work disparate impacts on ICANN around the globe: for example, if ICANN employs personnel in Singapore, Turkey, Uruguay, Belgium, etc. then it must observe appropriate (and potentially conflicting) personnel laws in those various places.

Applicable law is thus be a large body of law that eludes our ability to catalogue, but it is ascertainable in the context of a specific question or issue.

# Analysis and discussion on new draft FoI document produced by Draft Team

**AOB**