

Concerns

Tatiana Tropina:

(this is a short placeholder, to be developed later)

- Concerns about drawing a clear line between “respect” and “enforce and protect” (possible consequence when there is a lack of clarity).
- Necessity to ensure that ICANN doesn’t go outside of its mission (unintended consequences)
- Concerns re Ruggie principles (shall be no blind commitment)
- Concerns that current level of HR commitment and respect is not **weakened**
- If the final WS2HR outcome document requires GAC approval, it is likely that there is a constituency within the GAC that will oppose advancing HR within the context of ICANN.
- In the absence of enforcement mechanisms, is the HR statements aspirational?
- If they would be enforceable, what are those mechanisms. Might they be enforceable in the future?
- What happens if the HR policy does not pass?
- What happens if policy does pass and ICANN directs registries to comply with HR policy in contravention with local law.
- Going beyond our remit to develop a Framework of Interpretation of the Bylaw, and into the area of creating implementations of the Bylaw, which is beyond our remit.
- Balancing human rights concerns with other rights, concerns and issues.

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Commented [1]: added by Jorge

Commented [2]: as I understand it, the process for adopting recommendations will be the same as in ws1. During ws1 the GAC did support the recommendation on HR.

Commented [3]: Different time different stakes: it's one thing to support the HR recommendation, quite another to support an actual HR position

Commented [4]: The basic question is what do we do if the GAC balks?

Commented [5]: I don't see any hint into that direction - so I wouldn't think we need to engage into such a hypothetical situation...

Commented [6]: IMO This is precisely the kind of hypothetical that we need to consider: high risk

Commented [7]: I think I am in agreement with Jorge. The GAC and the other COs have a role in approving the FoI under Bylaw 27.2(a) – whatever the COs say will undoubtedly be taken into account by the Board in considering whether or not to approve the FoI. Whether the GAC balks or not will depend in what is in the FoI.

Commented [8]: These questions all seem to blur the line between putting together a framework for other groups to interpret the human rights bylaw and putting together an implementation roadmap for the human rights bylaw. I think the latter is out of scope for this group. Our job is laying the groundwork for others to do specific implementations.

Commented [9]: I agree with Greg that our work is to develop a framework of 'interpretation.' Bylaw 27.2 is not a provision inviting expansion of the core value stated in Bylaw 1.2(b)(viii) .