ICANN

Moderator: Maryam Bakoshi
October 21, 2016
7:47 am CT

Operator: The recordings are started.

Maryam Bakoshi: Thank you very much…

((Crosstalk))

Niels ten Oever: Thank you very much, ICANN staff, and thank you for facilitating this. It is a Cross Community Working Party on ICANN's Corporate and Social Responsibility to Respect Human Rights on the 21st of October. It is 10 UTC on the dot.

We got apologies from Rachel, Vidushi and Aarti. But here we are with Rafik Dammak and Chris LaHatte and myself, Niels ten Oever. And we will go through a quick update on the work that we - where we are at and how we are progressing towards Hyderabad, which is already coming up soon in a couple of weeks and the session that we will have there.

So Tatiana will actually - also made her apologies. Was going to give us a update on the human rights in Work Stream 2. We are - we're enmeshed in

very interesting discussions. You can see the latest working documents in the link that I just pasted in the chat. We have some basic text for different levels of interpretation. We agreed on a approach. We discussed all the individual Ruggie principles and how they might or not be relevant for ICANN. And now we're trying to see what fits, what doesn't fit and how can we work this out.

We're trying to see some concrete shapes and forms. So that is working out really well. As expected, it is not a fast process but I feel that we are making small progress there. We are having weekly calls every Tuesday at 1900 UTC so you would of course always be welcome to join.

Another really interesting discussion that we're having there is that within the - within the bylaw this framed that human rights should be respected as within applicable law. And the reason that this was being put in, as I'm told, is that of course companies are not held to human rights but states are and states are then - if they are signatories to a treaty they should reflect these treaty commitments in their laws.

So how this translation is made and how we understand that and how this relates to applicable law is definitely a discussion that we're struggling with. It seems we had a bit of a breakthrough on the last call when it came through the definition of respecting human rights and I expect that concrete text will be suggested and discussed at the coming call Tuesday so that might be also something to be reported back to on in Hyderabad.

That is my rough overview of where we are. We're of course still looking for people who want to contribute either to the drafting team and the discussions, everyone is of course still very welcome to join, or to have a look at the

document and let me know if there are any inputs or things that you might think we have overlooked.

So that is my rough overview from the Work Stream 2 human rights design team. But the human rights design team is of course not the only topic in Work Stream 2 that touches up on human rights. So therefore I'd like to ask Rafik, who is on the call, to give us a short update on any other relevant design team or subgroup or working team that he is on and might think might be relevant. And also I might also ask Avri if she's been seeing things in Work Stream 2 that might touch upon human rights.

Rafik, please come in.

Rafik Dammak: So, okay, I mean, for the diversity subgroup it's - we had really slow start because we waited for the staff background paper, but at the end we are not using it that much. And it's kind of we are a little bit stuck in discussion about the definition of diversity and maybe define what kind of characteristics. And we probably need to find more data instead since we are trying to figure out that matter.

So this - is still under discussion. We have a straw man document. I think we got an issue coming through many subgroups that not so many - not so much participation from the members and the co-rapporteur and that to do most of the work. So the idea of having straw man is to - it's to maybe elicit some feedback. It seems more easy for people to comment document and to participate than starting from scratch.

With regard to human rights, at this stage, it's not really clear what's the (unintelligible) but probably with the discussion maybe something will rise so if someone has some ideas here or input it will be welcome and so forth.

So I mean, it's clear, well, at this stage really to understand what we mean by diversity because there is some risk that people jump to what they think a solution directly, while we need in the beginning to lay out the ground with regard to what we mean by diversity, maybe, and what area that we have to cover and so on.

Another hand also it's - we need to have in mind that we are not, how to say, reinventing the wheel and to learn from other experience. So any suggestion is also welcome.

Niels ten Oever: Thank you very much, Rafik. I just commented actually on the Google doc on the diversity work. Do you feel that you have a lack of input in that working group or you have too much input and it's hard to filter? Because the diversity discussion is of course not a unique one to ICANN and there are a lot of foreign specialist organizations that could advise on this. Have you thought about that or how does that fit?

Rafik Dammak: Yes, thanks, Niels. I saw your comments already. I mean, like about some area like what we mean by origin and so on. Yes, we are not getting enough input, I think. And at this stage maybe the challenge is to get some common understanding about what we are trying to resolve. I do think that some people are - they had already - they may believe they know how to fix the issue. So the challenge really is to get some common understanding and to agree maybe on the scope, the objective, the goals and to do as maybe we discussed in the really in the beginning a lot of data collection to build open tracks.

And as you said, yes, there are many experiences that we can learn from and just we didn't get yet specific cases. So if you have really some kind of concrete example or case studies that we can use to be really helpful because

from there we may also find out what are the charges faced by other organization. I'm kind of worried that we - the discussion is, to be honest, is not new. I mean, we are talk about diversity for some time in ICANN. And we may be stuck in the same old stuff. So we may need some kind of new thinking here.

Niels ten Oever: Thank you very much, Rafik. That's interesting. And are you also on other subgroups that you think that might touch on human rights?

Rafik Dammak: Honestly I'm not following other subgroups so cannot speak for…

((Crosstalk))

Rafik Dammak: Yes, just diversity for now. I'm not really…

((Crosstalk))

Rafik Dammak: …subgroups just…

Niels ten Oever: Okay, then I - to Avri, I notice from Aarti that she said she had to leave in a bit so I would like to quickly jump forward to Aarti for (unintelligible) research, do you think that would be possible, Aarti?

Okay so great, Aarti will put her update there. Oh, Avri is gone, that's a pity. So we will read Aarti's update. Aarti has incorporated the comments she received during the previous call. Aarti's colleague (Kritika), is working on updating the document further with a specific focus on privacy and data protection but will all be ready in time for the session on the 3rd. So that is really great, Aarti. And I'm greatly looking forward on the discussion on (unintelligible).

We have also been working on getting invitations out to people. So if people have suggestions for relevant speakers, for the session - for our session specifically on the Whois report and the privacy report, as well as on the gTLD report, they will be very welcome.

Is there anything that I missed, Aarti, that you think you - I should have brought up or I think is pretty much it? Great. I just sent you a reply, Aarti, with some other suggestions for invitations. I would start to send out invitations as soon as possible. And if you have issues with travel arrangements for the guests, etcetera, then let me know and then we can see what we can do but I think we should really get - get inviting people rather earlier than later so preferably this week so pretty much today. But I'm sure you'll be able to handle that.

Is Avri back in the room? No, Avri isn't back yet. Then I would like to ask people in the room who have an - so Vidushi apologies, she is in Sri Lanka right now with bad connectivity. She will try to call in but apparently didn't manage to. I also got an apology from Rachel. And what leaves us then is a short discussion on the planning and agenda for the Hyderabad session on November 3 from 5:00 to 6:30. I've outlined a short agenda there.

We went back from two session to one but I think that will be fitting. But we have luckily two reports to present, which is great work. And I'm very happy that it is by Vidushi and Aarti who can also present it in India which is really nice.

I don't think we're missing anything but if people have suggestions for things to discuss we could add it to the agenda now. And else I will upload it to the meeting agenda. No, there are no additions. So that's great so we seem to be

able to continue with this agenda then. I suggest we wait a bit more for Avri to see if she has some additions to other relevant human rights topics either within the subsequent TLD working group. We might also be able to ask Avri how those from the NCSG were received in the gTLDs subsequent working group, which were led by Vidushi so that will be interesting.

So I see Avri is back. Avri, do we have you now loud and clear? I heard myself there for a bit. I heard myself through Avri's microphone. I don't hear Avri. Avri?

Avri Doria: Can you hear me now?

Niels ten Oever: Yes, we hear you loud and clear. Great to hear you, Avri.

Avri Doria: Okay fantastic. Not only did I need to reboot but I had to plug in the plug all the way on the headsets.

Niels ten Oever: Okay but luckily you managed. We got a flurry of questions for you.

Avri Doria: Oh aren't I excited?

Niels ten Oever: The first one is, is there in any Work Stream 2 process or subgroup that you're following relevant human rights topics that you would like to bring up here?

Avri Doria: Okay, I'm sort of lightly following everything. And I heard what was discussed previously before people - before I tried to talk. And I don't think of any that I'd like to bring up now. I mean, the one (unintelligible) is the one I'm co-rapporteur on which is the staff one. And I don't think anything there is specifically human rights-related. It may be HR related but that would be more in the human resources translation of HR than human rights.

So I don't think so outside what's been mentioned. You know, it's mostly the mess you've got in your group, in your subgroup and trying to, you know, bend something into a shape that's been prohibiting from bending in. But in any case, I can't think of any others.

Niels ten Oever: Okay so at least there's not something - at least as we know escaping our eye for the moment so that is really good. Then I think we are really curious how the NCSG comments on the gTLD subsequent procedures working group…

Avri Doria: There were no…

((Crosstalk))

Niels ten Oever: …was received.

Avri Doria: NCSG never actually submitted any comments. The comments that had been submitted within NCSG were not actually related to the community comment 1. And I, I mean, unless I missed it totally while I was sort of otherwise engaged for two weeks, I haven't seen any NCSG comments actually delivered to the new gTLD PDP working groups.

Niels ten Oever: Oh that's painful. Okay.

((Crosstalk))

Avri Doria: …in the first place, in the first place, they didn't pertain to the community comment 1, at least not specifically in terms of the questions that were being asked. As I indicated in NCSG, they may indeed be very pertinent to some of the work that's ongoing now in the sub tracks. But A, those haven't gone out

for question yet. Those haven't had a community comment request yet. B, we're just in the act of forming questions in those. So they will be very pertinent in the future, so I don't know if the pain is wasted pain. I think it's pain whose time has not come yet.

Niels ten Oever: Okay. That's good. But it's definitely something for us to follow up on - I'll follow up with Vidushi to see where that is - where that has gotten stuck. So thank you very much for that update, Avri.

I think we've had everything on our agenda. If anyone has some - any other business that they would like to bring up, either pertaining our meeting in Hyderabad or otherwise, if not, I'd like to end the call and already wish you a joyful weekend and thank you very much for your participation.

Maryam Bakoshi: Thank you, everyone, for attending the meeting. (David), you may now stop the recording and disconnect all lines. Thank you very much.

END