ICANN

Moderator: Maryam Bakoshi
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9:00 am CT

Coordinator: The recordings are started.

Niels ten Oever: Okay great. And I think we haven't met actually but I think this is also your first Human Rights call, right, so you might also benefit from a short overview of where we are on human rights and Cross Community Working Party specifically.

So I'll go ahead. The Cross Community Working Party and ICANN's corporate and social responsibility to respect human rights is a - is an informal body where it tries to bring together all the different strands of human rights discussions that are happening in ICANN.

There have actually really been a flurry over the past year and we're trying to - here to tie the ends together and also do some forward thinking. We're doing that in two subgroups.

The first subgroup of which this is a meeting is trying to do research and follow the human rights impacts of the PDPs, the policy development processes, and see how in a new policy that's being developed human rights

are impacted, so deepen our understanding of in what different ways ICANN touches upon human rights.

To do that we have made also a graph which can be found at icannhumanrights.net. We give an overview of the different ways ICANN could potentially impact human rights and then we're trying to see to - ways how to mitigate that.

The second part of our work is in the Cross Community Working Group on enhancing ICANN's accountability because we managed to get in a commitment to human rights in ICANN's bylaw.

Currently that bylaw is still dormant because it requires a framework of interpretation, and that framework of interpretation is currently what is being developed in the Cross Community Working Group on enhancing ICANN's accountability working through design team on human rights.

So that is where we are there. Where we are there is that we're really closely analyzing the UN Guiding Principles for Business and Human Rights. We're doing that because as you all know - is - states are actually parties to human rights law.

So - but there has been a strong understanding that non-state actors also have an impact on human rights, so for that there have been several models developed and the most prominent one are the UN Guiding Principles for Business and Human Rights.

But because ICANN is not your typical business we're seeing how it is applicable and how that could work together, so we're trying to both

understand how ICANN impacts human rights and how these impacts could be understood and mitigated.

That is roughly where we are with our work and reports that - we're trying to publish reports before every meeting. And (Bea Doocey) has been working on a report on the impact of the new gTLD rounds on human rights, and (Ashley) has been working on a report on the impacts of WHOIS on human rights.

And they were aiming to submit both reports also in this PDP processes to inform them so that the human rights discussion does not happen siloed but happens at the same time with all the other discussions.

So that is roughly where we are right now with our work. And what we're planning for - the Hyderabad meeting is that we're trying to also bring in a bit less familiar faces to ICANN.

So what we'll be doing is we'll be inviting experts and members of Indian civil society, Indian government and Indian business to respond to issues of gTLDs and human rights as well as this WHOIS and privacy issues and human rights in ICANN.

And then we hope to have a good discussion which can give us input - our - to our future work. Normally we would also do a report for the - to input in the CCWG but since I'm Co-Chairing the work there my work has been mainly in the design team or subgroup there, so doing that double seems a bit like duplication.

But a lot of progress is being made recently actually on human rights in ICANN and I think the work that - of this working party is a testimony of that.

I think that is my overview. Alex was that a bit clear? Have I forgotten anything? Corinne did I miss something? Herb, is all of it clear to you? Well I think what would be great is - I think there are several parts that are really interesting.

And so one part is how do we enable like a more structured rights impact assessment of ICANN the organization, and how can ICANN the organization really realize that itself?

I think that is a big step that we need to think about to ensure that it doesn't happen in a haphazard way. So there is research and thought but we need to - but we also need to think about together with ICANN Staff.

I do not think it's necessarily only a discussion that needs to be - only happen in Workstream 2. So work, thoughts and contributions to that would definitely be very useful as well as understanding other ways in which ICANN could potentially impact human rights, because we made the diagram as can be seen in the link that I'll put in the chat now.

But this was more a quick analysis of different policy processes and not every - not necessarily everything of ICANN the organization. So we need to look deeper, look for more examples and thereby creating more encompassing model to this.

Oh so yes we're working a lot with the GAC Working Group on human rights and international law. Pretty much every ICANN meeting - we have had a session together where we presented our work, and the GAC Working Party has also then shown where they are and what their specific interest is/are.

And so I think the coordination - and I think in that the CCWP proves to be very useful because it's a - kind of a central way where - a place where different discussions come together.

Up to now we have not seen very specific asks for work from the GAC Working Group because they've been largely focusing on getting their terms of reference done.

But they managed to achieve consensus on that and then there was of course the last sprint for the transition so that took a bit of speed out of it as they were thinking of the transition.

You can also see - of our meeting today but I think we're gaining pace again and we're picking it up where we left it. So if people have any questions or comments - did that answer your question Alex?

Oh yes we're also doing some other research and that research is based on a mailing list analysis. So we've been looking at the complete archive of the - a complete public archive of ICANN mailing lists, and we've been trying to understand how the concept of rights have been used in ICANN.

So in preliminary findings we're seeing that in the early ages of the ICANN discussions there were - there was a strong focus on concepts like freedom of speech and also fair use.

And then only later on you see a growth in the discussion on terms like freedom of expression, which is much closer to an - a universal and to - it's actually a universal declaration of the - of human rights.

And then later you're also seeing the economic, cultural and social rights popping up, and we're now trying to see what these changes can be attributed to, whether these are the generations of people that are - that become active in ICANN, whether it is synchronous with development of specific policies inside or outside or - of ICANN or whether it can be related to specific events such as the establishment of ICANN, the launch of the round for gTLDs and start of the transition so that this is - so that this would have spurred new kinds of engagement and new approaches and also got in new participants.

So what we're doing is a - kind of a network analysis, see who talks to whom but also how does language travel between mailing lists, between constituencies and how does it pop up in different discussions.

We're writing the software ourselves so it is still a bit of hit and miss, and also trying to have a bit of academic scrutiny on it to ensure that we will not draw conclusions that we cannot - that we can't actually make.

So we're going ahead with that. If you want to have a quick look on where we are I'm happy to share the link with you to the work where we are now. It's here.

And if you want to play a bit with it yourself and you're interested in geeking out a bit on the weekends, then you can find the how to here on the wiki. And so there's more quantitative analysis.

We also wanted to write a short history of human rights in ICANN and we're aiming to write a compendium or a small publication about that and we'll do that.

We'll prepare it for the meeting after Hyderabad, at least that is what we're planning right now, to bring all our work together and see and look back and look forward - part on the achievement that we managed to have a huge increase of the discussion of human rights but also a commitment in the bylaws, and now see where we take it from here and how this can be operationalized in a meaningful way, and what this could mean to ICANN and also to the larger Internet governance arena because of course this is a part of a promise that was made during the World Summit on Information Societies back in 2003 and 2005.

So it is bit of a larger thing and I think that's also how we should try to understand it. So I've been talking a lot. Do people have other questions or suggestions or ideas for research or things that we might've missed?

I see Alexander is typing so if - wait for Alexander comments who is very good at spurring me to continue talking thus far. Herb if you - if your audio is working I would be actually very interested to hear a bit from you on how you're understanding your role as an ombudsman and how do you think that could relate to human rights?

But I think Herb might still have some audio issues. Of course it's very - really great if we'll bring in new people to the human rights discussion. It has proven to be a good people - a good way for people to start to settle their way into ICANN and we're a pretty close and mutually supporting group.

So - and we've been able to get some work done, which sometimes hard to see in ICANN how your work considers to the larger pictures so that helps. So if there are no other questions or comments I'd like to thank you all very, very much for your attention and participation.

We're looking forward to see you all in Hyderabad. And if you have any comments or suggestions or thoughts on how we can take the work further happy to take that up directly or on the mailing list. Thanks all and have a great weekend. Bye.

Maryam Bakoshi: Thank you for attending the meeting. (Aries), you may now stop the recording. Thank you for your support today.

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