ICANN

Moderator: Maryam Bakoshi
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8:00 am CT

(Neil): ...the cross community working party on ICANN's social and corporate responsibility to respect human rights. We're having a meeting here to prepare for Dublin and overview the work that has been done and that we are undertaking right now.

We might have a short overview of the work in working party four as well. But let's first start off with the work that we're currently working on. So first I'd like to ask if there are people on the phone line that are not connected to Adobe Connect, to make themselves known.

Ah, (Lucy Perden) is there. Excellent. Great to have you here, (Lucy). I'll refer to you back later then. Right now I would like to go ahead with the second point of the agenda and that's the update in discussion on the existing work on mapping of ICANN and human rights that has been undertaken by Marília, Rafik, (Deepak) and others.

And I'd like to ask - Rafik is here also and I think, Avri, you are also here on this call - to hear where that work currently stands. Rafik. Oh, Rafik cannot speak. Can someone call you in? Okay, so while Rafik and (Mariam) are

settling that in the chat, I think we'll move to the next agenda point and move back later once we've got connection with Rafik or Marília has joined us.

So I would like to go with a bit of discussion on the existing work on the impact assessments and (CFR). I've shared the link and the document many of you have seen it and commented on it already.

On the (list) I propose that we have a comment period from September 16th two September 20th which was really quite effective because there have been many great comments on the initial documents that should outline a possibility for human rights impact assessment and perhaps corporate and social responsibility reporting including transparency reporting.

I'd like to hear from people, what they think about the document and how it's going ahead. So what we're planning is to rework the comments in this week and come up with a next preferred version for which there is a relatively short comment period on September 28th and September - to September 30th.

Then we would have two days to rework the comments and then we could do the layout and the copyediting and the printing so that we haven't ready for ICANN Dublin for presentation and distribution.

So I'd be very interested on first reactions to the document and comments about the proposed workflow. I see Marília just came in. That's great. We shortly skipped the second discussion point to wait for you.

And is there anyone who has any input on the draft document for the suggestion of the human rights impact assessment and their corporate social responsibility reporting further than the comments that have already been made in the document? (Unintelligible), I see you made some comments on

the document itself. Would you perhaps give some first impressions on the document that you see?

(Lucy Perden): Hi, this is (Lucy). Can you hear me all right? Am I dialed in?

(Neil): Yes, (Lucy), I can definitely hear you. I don't hear Tatyana but I hear you, (Lucy). So please go ahead, (Lucy). (Lucy) has been one of the main offers of this work.

(Lucy Perden): Yes, hi everyone. And (Stacy), I must apologize. I stepped out of a meeting. I quite a busy hotel lobby so I'm sorry if it's a little hard to hear me. My name is (Lucy Perden).

I'm from the Institute for human Rights in Business and we've been working on the chapter four for ICANN and I just really wanted to thank everyone very much for the great comments that people have made this week.

And as (Neil) said, we'll do reworking the draft but what I really wanted to ask the group, and one of my main (concerns), is that we've been (unintelligible) draft. So we wanted to make it as accessible as possible.

We don't want to (unintelligible). Obviously I know there are a lot of conversations that are going on within ICANN. But what I really think we need to know about - a little more is with general thoughts in general consensus is about guideline principles and how they apply to ICANN because we were on the assumption (unintelligible) announced that there was a lot of acceptance as the guiding principles.

But I'm getting from the comments that there are different opinions about this. So I think it's a very - a good starting point to just get off on the right foot. It

would be good to kind of incorporate a discussion that's been going on and seeing what people's (thoughts) and, you know, (unintelligible) about the guiding principle so we can address them at the beginning.

And so maybe if I could just throw that out to the group, it would be really helpful to know, you know, some more in-depth thoughts about starting points (for the report). I'm going to go on mute now because as I said, I quite a busy lobby. Thank you.

(Neil):   Think you very much for this, (Lucy), and I see that there is a direct response from Matthew which I think is Matthew Shears, who is also made some great contributions to the (text). So, well, the floors yours, Matthew. Please go ahead.

Matthew Shears: Thanks, (Neil). Can you hear me okay?

(Neil):   I can hear you swimmingly. Thank you.

Matthew Shears: Okay, just two points. Well, three. I think the work that (Lucy) and others have done is excellent and I've made a lot of comments. I'm not going to belabor those but I would say I am one of those who has some hesitations about - and about the (editability) of the (working) principles but about how - the need for us to do perhaps some more work or to understand better how they would apply.

I have my own particular perspective on ICANN. I kind of see it as a hybrid in a way and that its traditional corporate operations would likely - could very well be measured against (working) principles.

And - but the part that I'm struggling with a little bit and I think it's interesting one for general discussion, is how the (policy) side of the organizations in the applications of the policies that the organization develops, how that sort of - of those would be addressed in the working principles.

And I think that's one of my (kind of hesitations) on that. The other thing I would say just generally about the document is that there is - those in ICANN who are involved in human rights issues are a very small number of the people who are in the broader community.

I think it's very important for us to keep in mind when looking at this paper and preparing it for general consumption, that we try to make this as nonthreatening as possible to the ICANN community more broadly. In other words, those who may have the kind of (visceral) reaction that, well, what's human rights got to do with ICANN?

So it's just a matter of kind of managing the way the document is perceived once it gets into the hands of the broader audience because talking about the guideline principles, talking about human rights impact assessments, these can be seen as being quite burdensome. And I think we just have to - we have to be careful and measure them the way we talk about the report. Thanks.

(Neil):   Thank you very well for that - thank you very much for that, Matthew. Now would like to ask Tatyana Khramtsova to respond.

Tatyana Khramtsova   Oh, well, thank you very much. First of all, thanks to (Lucy) and (Mataka) for doing a great job. The report was excellent. I first of all, want to agree with Matthew that I'm not sure how (our) principles can be applicable to ICANN and I think we need to analyze these carefully especially because some of you

remember that we've had these discussions already in work stream four, the CCWG.

But I would also like to point out, and I wrote this in my comments, I'm the one who is not sure that the human rights assessment and implementation of human rights policies should depend on the implementation of social corporate in this report.

I'm - I do think that it might be much broader if you - if this will kind of put some of the people off or somehow scare some of the people because it's really a much broader question and just human rights policies.

And I think that maybe we can be a bit more clear of what is actually our - a, like, I don't understand the corporate social would be a very big game for us to achieve, to implement the strategy, to propose it.

But I'm afraid that if it will make you want to write policy of human rights policies and principles. Depending on the implementation of the strategy, it might take us a much longer time to actually implement anything of human rights.

So I think that maybe we can clarify these and set (interim) goals and set broader goals like (higher aids). I don't know, but just one of my concerns. Other than that, I do think that the document is great. It might (need to be reworked) but it's especially great that transparency (reports) and what's proposed a very much interested in working on these others. Thanks.

(Neil): Thank you very much for your valuable comments, Tatyana. And I would like to ask Marília to respond.

Marília Maciel: Thank you. Just a quick comment on what is going on in working party four. (Unintelligible) later for the (unintelligible). That's why I remember. Should I go ahead or (do you prefer to leave) it for later?

(Neil):   I would like to keep the discussion on the CCWG a bit until the end of the agenda and then first...

Marília Maciel: Okay.

(Neil):   In the first half, discuss a bit more on the three interesting point that were raised by Matthew and Tatyana. First of all, the applicability of the (Rugey) principles on ICANN.

Well, I would be very - the (Rugey) principle seems very - seems pretty broad and accepted standards for doing this. And I'm not sure what other standards we could use to apply this. I would be very curious to hear the responses and ideas to that.

Furthermore, as a quick response, the CSR work has been very much push by (Patrick Seltrim) of Aztec to make it his part of it, I think that there, support from that side, would be very much beneficial.

I can reach out to (Patrick) and see what he thinks about that but I do agree that CSR is a much bigger part of the work that we would currently be doing, so what we could be doing as a suggestion, is perhaps split up the work on CSR at first a human rights policy they could then later be expanded or built upon as a way it would work on a CSR commitment in general.

And then finally, in response to delivery, Matthew, do you think it means we need to change text in the current report or we need simply to be very cautious of this during the presentation in Dublin?

Matthew Shears: (Neil), do you want me to comment?

(Neil): I would love to, Matthew. Thank you.

Matthew Shears: Yes, so I just read the notes in the chat which may not be very coherent but I actually think that we can position the work we're doing on human rights as this working party's contribution towards the eventual - hopefully the eventual evolution and creation of a corporate social responsibility practice or department at ICANN, which I think it should have anyway as it's good corporate practice to have such - have CSR.

So I don't think we necessarily need to delve into corporate social responsibility as such, but I think what we could do is position this as one of the elements of CSR which we hopefully believe that ICANN will eventually develop as an overall practice. Thanks.

(Neil): That's on the very great approach. That's certainly exactly what would be thinking about. I'd like to hear you later about the (Rugey) principles, though. But first I would like to go back to Tatyana.

Tatyana Khramtsova: Thanks. Tatyana Khramtsova speaking for the record. So I totally agree with what Matthew just told. My last comment on this would be rather about this document in social and corporate responsibility.

Probably this comment is for (Lucy) and for all of us. If we're building on social corporate responsibility issues like on this human rights work and

eventually we're going to propose this and take part of this, I believe that maybe we should be clear about this in the recommendations so the document will not say that we will need, like, to develop a corporate social responsibility strategy and reporting on human rights on the part of this.

Maybe we should make it clear in the documents reflect these thoughts that human rights can be worked on. We can dive in onto human rights without diving into the whole issue of corporate social responsibility. Thanks.

(Neil):   Thanks. And I think we have pretty much agreement and consensus on this so (Lucy) and I will take this back into the document and that have kind of a two-part approach that will first work towards a human rights policy which then can grow later on into CSR. I bet to hand coming up from Tatyana and Avri. I'll start with Avri because we haven't heard Avri yet.

Avri Doria: Okay, yes, I was just trying to understand what we had a consensus on because I heard that the (unintelligible). In this group, I mean, I agree that we need to focus on the human rights aspects of corporate responsibility.

But - since that is the orientation of this group but I'm not quite sure I understand how we work on a human right's policy separate from ICANN corporate responsibilities in this.

Now, I understand that we're not adopting the whole (Rugey) principles but then again, there's just a guideline for how to start working on things. So I guess I'm confused. As the discussion was going on, you know, we were going back and forth but I really don't know what we have consensus on. Thanks.

(Neil): I try to rephrase it and that is not that we separate into the CSR in human rights but CSR also encompasses other things that human rights and that we propose to start off working on human rights and then propose later on (mention) of this into a broader CSR policy, so it's more taking a step (that will) first focus on human rights commitment and then further - on the further (implementation) of a CSR policy by ICANN.

Avri Doria: Okay, but my question is, are we working on human rights separate from a corporate social responsibility or are we working on it as the first part of corporate social responsibility that we're approaching?

And I think that (answer) makes a difference in human rights without putting it in the context of corporate social responsibility, we end up having all the same discussions that were had when we started in terms of, well, what you mean by human rights and how does it go beyond corporate responsibility, et cetera.

So I think it we're changing the wording to just focus on human rights at the beginning, that's fine, as long as we're doing it in the context of ICANN's corporate responsibilities which will be understood that the other portion of corporate respons- social responsibility are indeed deferred for later conversations or something like that, but not to make the human rights stand aside from the CSR as the two of them travel together in this group's responsibility. Thanks.

(Neil): I think we all agree, indeed, that CSR is an integral part of something that should be in place but that we've for start off with human rights policy and implementation and do not make a dependent, as (Jana) said in the chat, depending on the adoption of the whole CSR policy before we start working on human - on the human rights implementation.

I would definitely say that it's part of a whole CSR approach but it will try to implement it step-by-step and first we'll be focusing on human rights. So seeing no other hands on this topic, there seems to be a consensus. (Lucy), are you still there? So does this also sound workable and (re-workable) for you?

(Lucy Perden): Yes, I'm still here. Yes, yes. Thank you very much for that. I think that makes - that is a good (invitation) of how we kind of start the paper off in a better understanding of the discussions that have been going on within ICANN. So thanks very much.

(Neil): Thank you very much. So I think, then, we tackled that point. And if I could shortly circle back to Matthew to ask him to shortly elaborate when he (said) vis a vis the delivery and the (Rugey) principal. With that be okay, Matthew?

Matthew Shears: Sure, (Neil). So I don't have any particular - I'm not against looking are considering the (Rugey) principles. In fact, I think as many have said on the chat and as you said, they are a very good benchmark for us to use.

I guess I just think that we need to be explicit and how we believe they would apply. So it's only really a better understanding, the applicability of them, to ICANN, whether we're talking about ICANN's operations are the products in the policy development processes or whatever the - however we're interpreting the application of the principles. I think we just need to be very explicit in terms of what that is. And I'm not 100% sure that we're there yet, so that's my general concern.

(Neil): That's great, Matthew, and it's severally something (Lucy) and I will be working on in the coming weeks but comments - input on that in terms of (text) of course are very, very welcome.

And then in terms of delivery, Matthew, did you mean that in terms that we need, like, more introductions to the document or would you say that it also depends on sensitive delivery in our sessions in Dublin?

Matthew Shears: Yes, sorry for taking time on this. I'm just very conscious of having that witnessed, as others have on this call, witnessed how people have reacted to human rights issues from the first meeting that we had towards other work in working party four.

That we need to make the delivery look as if it's not going to be burdensome, as if it is a natural part of corporate practice and to ensure that we're not - that we do it in a way that it doesn't seem, as I said before, hugely burdensome for the organization.

So that's really - I'm just trying to be sure that we (reflect) some sensitivity in how we approach this because now we're - you know, you're moving beyond the two papers that were written before.

Now we're actually saying well, okay, this is really - now we're really kind of getting into the nitty-gritty of the delivery, et cetera. And I think that's where people are going to - you know, we just have to be really certain about our delivery, rationale, what - having this in a broader context of perhaps being best practice.

You know, one does - one should talk about the corporate responsibility angle here. I think it makes a bit more - dare I use the word palatable from a corporate perspective? And so that's just trying to make sure that we respect the sensitivities. Thanks.

(Neil):   That sounds excellent, Matthew. So perhaps indeed we add some text at the
                 beginning with more examples of companies (and standards) that have already
                 adopted these practices, that it shows that is not really a very new commitment
                 but there are things that are already been entered around the world.

                 That's great. Then I would shortly like to move to a last point I would like to
                 discuss the document, and that's the mentioning of public interest, so whether
                 or not we should be mentioning it or leave that to the later discussion that
                 we're going to get started on public interest and its definition a large.

                 Are there people that would like to respond to that? So should be touch upon
                 public interest here in this paper or should we rather stay away from that?
                 Marília, please go ahead.

Marília Maciel: Hi, (Neil). This is Marília speaking. Well, personally I think that there are
                 many points that converge between the discussion of human rights in the
                 public interest. And I don't see how the public interest can be without being
                 rather (humanized).

                 But the thing is that knowing the community and even people on the (normal)
                 sector (knows enough) public interest, it's a very hard one to deal with. Most
                 people do not accept that because it's a vague idea and it's to be used by
                 different players and there are no (fix me), so it can be (played) a lot in the
                 ICANN environment.

                 So for now, I would try not to (conflate) both ideas not to (really) support
                 human rights which is our (core) issue here. But knowing that there is a public
                 interest, we will appear connected (to) human rights (discussions) very soon
                 when we start to discuss and assess the ground of new gTLDs, for instance,
                 because public interest is (especially) there.

And I think that could be - that we're linked with economic and social rights. So it's coming down the pike but I would not anticipate in that particular document right now.

(Neil): I think I completely agree with you, Marília, and that could be the reason why we didn't mention it in previous documents. So I think we should continue working on that and - at a later phase of the public - at the proper period of definition there when there will be a proper process in that.

So I agree on that and Matthew seems to agree as well. So if there are no others on this (piece), then I think we can agree to try to work around the issue of public interest in this report for now.

So that's about all for this document. There are also no further comments on the workflow, so I guess that's (also the case), so we'll go ahead, and it seems like will be having documents on this for Dublin so it will be great.

But we'll, of course, have another comment period next week and looking forward to working with you on that in the discussion on this. So now I would like to move forward by moving back to point two which is an update on the discussion of the existing (word) having of ICANN and human rights in the work by Marília, (APC), Rafik and others. Marília, would you like to give us a short update on where that work (is)?

Marília Maciel: Sure I can but I would ask Rafik to complete anything because I missed the beginning of our last call. I was in another meeting. So we had a call. I sent the chart summary to our (list) this morning. We had a call last week on the 16th and what is happening on (both tracks).

That in our call we presented the work that they had started to do on the mapping exercise. They have gathered together their communications team and they started, at first, that kind of language of (unintelligible) to communicate better than the start so that the first proposal that we have presented.

But we have discussed the first - two things (that involves) in parallel to which is (member) mapping, kind of a charge, and also translate that language into to help to communicate better with the community at large.

So that's what we're (securing) right now it comes to mapping and we'll have another call, I have proposed Friday to speak I'm waiting for further confirmation that we're available.

I shared a Google Docs this morning with a little bit of work that I have done on the policy development. I could not work very much on the previous (day) but then I planned to pick up on the following day I have volunteers to help.

It's great that (Monica) has joined the group and Avri, as well, and we - together with (agency guys) and (those who) are very knowledgeable a couple of the policies in the mapping and the procedure itself.

So we may have other things to mention in the next call but the doc has been shared and whoever wants to be part of the doc into it's going on there, just send me a message and I'll add you to the doc. Rafik, if you have something to complete their.

(Neil):   I think Rafik is currently having some audio issues but I see he's typing. No, he hasn't got any commitment. Oh, I see (Lee Hibert) has also joined. That's great. And I have a later point for (Lee Hibert) down the line.

Then I think that is sufficient. Thank you very much for this overview and for the work, Marília, Rafik and others. And we're looking forward to seeing more outcomes of that. Marília, I see you have your hand up so please come on back in.

Marília Maciel: Yes, just group that many of us here are together. What you think that we should focus our efforts right now, because I tend to think that, because (things) are interesting but they're kind of a consequence of us having met in the policy?

So my (initial) preference, even thinking about the correct (unintelligible) and the community, maybe a chart that the (presumption) to communicate better with them, but I mean, some of you have been there for a long time, was longer than me. So I would like to hear your feedback. What should we focus our (unintelligible) now, on the (cartoons) or on the - kind of start a map or a diagram or something like this? Thanks.

(Neil): Are there any responses on this? I would say, off the bat, that if we start with the chart, that could also be a basis for the cartoons because the cartoons need to have a narrative and that narrative is based on the issue.

But as we first properly map the issues and chart them clearly, that could be a real nice introduction to our work and then the cartoons could later be an illustration of that. So I don't know what other people think about that but that kind of seems a logical way to go. I'm not sure what others think about this.

I don't see any other reactions, Marília. So would you like to elaborate or just take this (to) perhaps the list for other discussion? Your hand is still up. Okay, super.

So we already discussed a bit about the strategy on the Dublin meeting about corporate social responsibility, I think we pretty much tackle that issue at the public session.

I'd really like to present the work that we've been doing here and continue awareness raising and I think there will be quite some discussion on the things we propose there that, of course, will be very clearly outlined in that will be printed copies, so I (envision) a good discussion on this there.

I will make a proposal for the agenda and the speakers ensure that to you this week and see where your input is on that if that's okay with you all. So in terms of follow-up, there is a clear theme for the document.

There is a clear meeting set for the next meeting of the chart and potentially (comic) working group so those are very clear follow-ups. All your input is very much welcome.

And then I like to go to the last point of any other business. And here I would like to bring up two points. One, the CCWG on accountability, and then specifically working party four.

And then after that I would like to ask (Lee Hibert) to comment on the progress in the developments that have been made in the GAC working group on human rights and international law.

So for seven like to ask for a short update on the CCWG on accountability working party four and I'll go for that to Marília who wanted to make a comment about that before. But I'm also very happy to hear other people's views and (summaries) on that. Marília, can I give you the floor?

Marília Maciel: Well, thanks, (Neil). Actually you and Matthew were always on the same call so if you want to. We had another call this week. We are - we went (specifically) through the comments that came from the public.

ICANN has provided us an overview. It seems that there is support for our broader language on human rights, one that is not focused so the broader language is (gathered) or support.

But also there are concerns that the discussion is not mature enough. We've had some (comments) to include the text of the bylaws. It seems that we're going for the (broader) text and now the work party four is in a moment of writing down the document that accompany the language that we referred to that (would be).

So we're writing this document, trying to explain what is the rationale behind (each additional right) in the bylaws and try to raise some questions and issues that need to be answered in work stream two.

We're still having discussions on the language in the Google Docs about human rights or both. And a point was made, you know, the last (unintelligible) call when we (called to add) text of the language.

It seems that there was no idea. So I think that the working (file on stress) that will be (contacted) next and they're going to get this broader language and apply different scenarios to this language and try to understand what would be the consequences for us to have a language like this (issued) in the bylaws.

(If it will bring) some (unintelligible) consequence to write them and in different scenarios. And what I have asked, and I think what is included as

well in the spread (test), is an assessment of the liability of all the consequences but not including this is language because I think it's important to move in both scenarios.

So that's where we are. We're working on the specs that a company, that broader language, (in the hope that we did). In the stress test (group) was going to be contacted weekly to start working on the language. If you want to (complete) something, Matthew, or (Neil).

(Neil):   There is - so thank you very much, first of all, for this overview. I will - I'm looking up for - I'm looking up the link to the WS4. Here, boom, there it is in the chat.

So, indeed, there - so there are two processes. One on the public comments, there are indeed - it seems to be support for the high-level human right language but then there was also the discussion that is - there needs to be an accompanying document around the rationale for the - for not so much a framework on how it's going to be implemented but a rationale for doing this and then also a stress test for this work.

So all your comments are very much welcomed in the doc I suppose. It would probably be even better if people fill in the statement of interest and they become a member of the CCWG, but I'm sure that comments on this work are very much accepted, if not directly than either through Matthew, (Tatyana), Marília or me.

So I think that was a very good overview given by you, Marília, and that we - yes, it shows where you are right now in the CCWG. Thank you very much. Are there other people who would like to comment, question or discuss

something about the CCWG and the accountability and especially the working party four. Marília, go ahead.

Marília Maciel: Well, it's just a question exit. We were discussing at the beginning of the call that we're still kind of uncertain and we need to explore more the applicability of the (unintelligible) context.

So taking advantage that I think we have Avri here in the stress test group, what would you use to stress the language because - would you take (regular, for instance), and apply it at the framework? How does it work? If we could just have a quick explanation because I never saw that the (stress test what operate). Thanks.

Avri Doria: Hi. This is Avri. I don't know yet. I think that the stress test - I mean, I know that the stress test, at this point has been situational and so, you know, the - someone will come up with - like, for example, you came up with one during that meeting of, you know, the CCWG or the final outcome between the CCWG and the board says there are - that we are not including it in the bylaws.

So here's a set of things that could be derivative of that. How are those problems dealt with elsewhere, if they are? So by the same token, someone - and I haven't thought of one yet because I don't see the threat that human rights provides to ICANN but we're going to have something that looks like, you know, some group believes that the name being defined, you know, gTLD.water infringes upon the equal rights of all people who have clean water.

And that then could be turned into an IRP or reconsideration (this). That is the kind of thing I think those were being worried about risk from having human

rights and having human rights in the bylaws without being constrained could result in.

So, you know, in that case, you know, you respond, "Well, that's why the language is included within its mission," and blah, blah. But that's the kind - it'll be - the stress tests are using instances of a horrible thing that looks like a good happen if we do this.

And then you have to show how, you know, and you can see that looking at the other 30-some odd stress tests, that they're all that kind of scenario base. So that would be it. But have not given it really any thought.

I mean, I don't - if you noticed what I said in that meeting, you know, well personally I don't see a threat here that needs to be stress tested other than what if we don't do it, that denying putting something through a stress test is something that I can't support.

So even if I don't understand the stress but other people think there's a stress, then we need to put it through a stress test. But I think it's - for those who believe there's a threat to create this scenario that shows it.

So I'm not going to create a scenario to why having a human rights bylaw could be a threat to ICANN. You know, whereas, I do support, you know, you writing or some of us writing one that shows how not having it is a threat.

And, you know, that kind of scenario, we can play out, you know. And I can play it out (unintelligible) accessible to people in this (group) and not acceptable to people in this group but acceptable to (unintelligible). So, you know, it's that sort of thing.

(Neil):   I hope that sheds some clarity. I'm a little bit afraid of the work that will come out of it but we'll see how that plays out in working party four of the CCWG. Was that all on the CCWG or accountability or did someone else have questions, comments or suggestions for strategy there? If not, then I would like to go to (Lee Hibert). Welcome, (Lee).

((Crosstalk))

(Neil):   Great to have your presence here. So if you have a short update on where the (dock) working group on human rights in intellectual law is.

(Lee Hibert):   Yes. Hello everybody. Can you hear me, (Neil)?

(Neil):   Yes, we can hear you excellently. Thanks, (Lee).

(Lee Hibert):   Okay, great. Well, I must say that I - they're still discussing it. I mean, the work - the co-chairs are still discussing, I think, how to proceed. I think they're a bit (caught) by other more important issues regarding the cross community working group on transition of these issues.

                 And so they're still in the throes, let me say, of deciding how to approach this meeting. I know it's going to be a rather short meeting of the GAC working group on human rights and international law.

                 I think the title and the terms of reference have to be, I think, one of the main objectives must be to get those two things agreed and get moving because there were some concerns about the scope of international law as you - for those who were there understood..

And there's a need to make sure that, you know, we can go further in this very short meeting and start doing some work in some collecting of information, you know, collecting different, you know, understanding the scope of international law means and also what human rights means for that matter.

So I don't have much to say yet because they're still discussing how to proceed. But it will be a short meeting. I understand that there will be -- and (Neil) correct me -- but there's going to be a meeting between the working party and the GAC working group or some exchange at the very least.

And - but, you know, we're working out a plan, you know, of work for the next three meetings, two or three meetings, for this working group. I know that the GAC is discussing the wording for the bylaws as well on human rights.

I know that something that they're aware of. I know that's being thought about. So I can give you much more in the way of concrete information. I, myself, need to re-contact the co-chairs and to see exactly how we proceed.

I would point out, though, and I think we all shouldn't forget this just from the point - just from my point of view, that you know, we - just to say we had this (council) of Europe, 47 members states, declaration on ICANN's human rights and the rule of law adopted by those governments on 3rd of June this year.

And that means that that really connects, you know, ICANN and human rights in the question of law together. It's not something, I think, which can be interpreted, although I know there's lots of interpretation going on from what you said, et cetera, but at the end of the day, it's quite clear that those governments are (reminded) that, you know, human rights are really an issue in ICANN otherwise they wouldn't have adopted a declaration.

And that means something. I think we shouldn't lose sight of that, and make sure that that is understood, that there are issues that we should maybe worked out, that there are human rights concerns they need to be worked out and government to have a very important role to protect those rights.

So if they can do that - if, in the context of domain names and name strings and the work of ICANN, they can do that through the GAC, then it's very important that they do their jobs through the GAC and ICANN to protect and make sure that there is respect.

And that cannot be overlooked, in my opinion. So I think this is something to bear in mind, whether you're - whether people are talking about this and that as being - you know, sometimes I understand it seems to be quite subjective what's - whether you're talking about stress tests or whatever, there is a very important role to be played by governments there which cannot be, you know, relinquished, and that has to be probably (fed in) most meaningfully through ICANN, through the GAC as well to make sure that governments can do their jobs properly in terms of protecting human rights.

So I know that's not quite the point about the GAC working group but once I have more information, which should be quite soon, I will tell you - I will tell everybody.

Let me finish by asking you, (Neil), or somebody, given that there's a proliferation of, you know, work streams on issues relating to human rights, and you mentioned public interest earlier, not to confuse things or to conflate things, it would be great to have a very clear list of just - of the work streams of ICANN.

Because I had to inform colleagues, I have to inform governments, I have to inform what's happening where. And it's quite hard to keep track sometimes, even in the GAC.

So I - if somebody - if you have that information, I would be very happy to see a very clear list of those streams. I have them in - I sort of see them but it would be great if we could write them down.

And also if they're going to meet, that we can have a very clear timeline of activities in Dublin that we can go and follow. So I can jump in and I can be clearly - you know, I know clearly were to go and whether he can actually sit and listen. I don't know. I mean, sometimes these things may be closed. I don't know. So help would be needed there. Thank you.

(Neil): Thanks, (Lee), for the suggestion of human rights itinerary for ICANN Dublin. I think the (unintelligible) discuss is relatively concise so it's the cross community working party, the CCWG on accountability and the GAC working group for human rights.

I think those are the (big four) where these discussions are happening. I don't think it's working party four of the CCWG will meet separately as far as I'm informed, but that want to be added then as well.

On your mentioning of the application of governments to protect human rights, I'm not sure how you see that in, vis a vis, the advisory role of the GAC. This is something that should be (taken) into the procedures of ICANN itself. Am I correct or were you suggesting differently?

(Lee Hibert): If I ca- it's - no, the point is a very good one. It's just that let - think of it beyond - let's just say that there is a human rights issue which falls within

ICANN and causes an issue that could lead to somebody's - I don't know, someone's freedom of expression being violated or privacy issues challenged.

And from my - from the context in Europe if, you know, if an individual's rights are violated in this can go through the court system and the court system will then refer to the European Court of Human Rights.

And the European Court of Human Rights can look at that with regards to that state, and assess whether the state did enough to protect and also to do things, positive obligations, and not to do things, not to do things to ensure that those rights are protected.

So in the face of the courts, you know, what were the obligations of the states and did the state discharge those obligations? And so the point is that herein lies the duty (barriers of) the government.

It's even if the government finds itself in the GAC, and therefore, the GAC (only) gives advice, that's not going to change the position of the court, I don't think. I can't speak for the courts.

So just to say that governments have to do their job, they have to do their job properly, they have to make sure that they are aware and if there are issues, that they take action to protect human rights in context.

So I know we're looking at the future now but still, you have to do the job properly. If their job is done properly by what they do in the GAC, okay, so be it. But is that enough?

So the point is, is that whether they find themselves in the GAC or in the cross community working party, in general terms, this needs to be addressed in

there needs to be signs that it's being addressed so that people's rights are respected. Is that clear?

(Neil):   That's clear. Thank you very much for that, (Lee). I see Marília has her hand up. Marília, please come in. Marília dropped her hand. So...

Marília Maciel: No, no, no, I'm sorry. I'm sorry, I just pressed the wrong button. I just pressed the wrong button. I'm sorry, (Neil). Just, first of all to support the point made by (Lee) on the mapping, but I think that we should move a little bit broader on the mapping and try to understand where the substantial issues that we should be intervening, for instance, that are private sessions that certainly have (unintelligible) doing.

There is a discussion going on and they need - and see the public safety if it relates to what they're doing. The subsequent procedures around for new gTLDs is going to discuss a lot of points that (inform) new gTLDs from (state of) expression and the right for development.

And that we have discussions on human rights, on (unintelligible), we're planning that, so this is the kind of mapping that would be super helpful for us as saying for us to be able to (share text) because we cannot - everybody be everywhere so maybe we need to separate ourselves but make sure that at least one of us that is working are involved with human rights is there to make a connection.

Because that is the only way that the community will see (unintelligible) what connects to what (unintelligible). So (unintelligible) a very good Excel mapping and setting with us before each ICANN (meeting), so maybe we could go for something similar that shows the room and the time in the sections that relate to human rights.

I offered to help with that. Maybe Rafik can help with that, too, because he knows the schedule better than me. So I think this would be very useful. And the other point, very quickly, is for those on the phone, it has been a discussion on the chat with regard to the point that mapping rates, and business rights and if (unintelligible) is assigned to a company, with that hamper (indigenous) rights and freedom of expression and (unintelligible), for instance?

I think that it's a very good discussion and that's the kind of thing I believe that we will be confronted in the (stress) that tests working parties. So you see (how we expected to) start listening to discussions and take care of ourselves (to answer them) and to (unintelligible) because they have been going on, on the list over and over and I think that it's not enough for us to say that ICANN is already obliged to that.

And I think it is but we need to face the issue in the moment that it's raised. So we need to have the right expertise for that. If we have it here, then we need to step forward. If we don't have it here, then we need (permission) to bring the people in. Thanks.

(Neil):   Thank you very much for that (gracious) offer, Marília, and I really hope we can get it going. That sounds really good. And I, indeed, see the (paste) Matthew just made in the comments in which says that ICANN's board view on the inclusion of human rights in bylaws, that says well the board is committed to upholding human rights is a focus within its mission, the inclusion of human rights in the ICANN bylaws is premature at this time.

So I think it's clear we still have some work to do. So let's work on ensuring that the board's view might change in this. Also ensure that we mature quickly.

So if there are any other points for discussion, I would like to ask people to bring them up now or else I'd like to bring this meeting to a close and invite you to join us in the next meeting and on the list.

So are there any other points that would like to be brought up? No. And I will ask (Miriam) to stop the recording and thank you all very much for your attendance.

END