SSAC
ICANN Security and Stability
Advisory Committee

12 March 2017

Subject:    SAC092: SSAC Input to the Cross Community Working Group on
            Accountability Work Stream 2, Human Rights

To:         Niels ten Oever, Rapporteur Subgroup Human Rights

The Security and Stability Advisory Committee (SSAC), as a chartering organization of The Cross Community Working Group On Enhancing ICANN Accountability (CCWG-Accountability), wishes to ensure that discussions concerning Human Rights are scoped within the Internet Corporation for Assigned Names and Numbers' (ICANN) remit during discussions on the Internet Assigned Numbers Authority (IANA) Stewardship Transition. ICANN's remit is limited to coordinating the allocation and assignment of Domain names, Internet Protocol(IP) addresses, Autonomous System (AS) numbers, and protocol port and parameter numbers.[1]

The SSAC believes that assessments based on content accessed through these unique identifiers should not be in scope for discussions regarding Human Rights for the ICANN organization.[2] This may be different from the interests or remits of some stakeholder groups and their members. The SSAC believes strongly that any binding language that holds ICANN accountable to Human Rights values should fall within the scope of ICANN's limited remit, and implemented via a Human Rights Impact Assessment followed by the development of a Corporate Social Responsibility (CSR) policy for ICANN. This CSR policy should cover the processes governing ICANN community participation, as well as the ICANN corporation itself.

The SSAC also notes discussions in other fora about integrating Human Rights considerations into engineering and network design.[3] We welcome these conversations, and encourage interested parties to participate and help shape the discussions in those fora.

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[1] Bylaws for Internet Corporation for Assigned Names and Numbers, 1 October 2016. https://www.icann.org/resources/pages/governance/bylaws-en

[2] Letter from Dr. Stephen Crocker to Senator Cruz, Senator Lee, and Senator Lankford, https://www.icann.org/en/system/files/correspondence/crocker-to-cruz-lankford-lee-06apr16-en.pdf

[3] IRTF, Human Rights Protocol Considerations Research Group https://irtf.org/hrpc

A Human Rights Impact Assessment[4] is a process for systematically identifying, predicting and responding to the potential human rights impacts of business operations, policies, or agreements. It is designed to complement due diligence processes and be framed by appropriate international human rights principles and conventions.

Conducting a Human Rights Impact Assessment is an integrated part of the UN Guiding Principles on Business and Human Rights (UNGPs), which is the "authoritative global standard on the respective roles of businesses and governments in helping [to] ensure that companies respect human rights in their own operations and through their business relationships."[5]

Corporate Social Responsibility (CSR) policies differ between stakeholder groups and geographical areas.[6] A CSR policy can concern the behavior of individuals, like the recent discussions concerning conduct at ICANN meetings,[7] or it can be focused on the behavior of the whole organization. Tailoring a CSR policy that fits the ICANN organization's unique duty as a steward of Internet identifiers will be challenging.

SSAC suggests The Cross Community Working Group On Enhancing ICANN Accountability (CCWG-Accountability) Work Stream 2 should only consider recommendations that fall within the scope of ICANN's limited remit, and implemented via a Human Rights Impact Assessment followed by the development of a Corporate Social Responsibility (CSR) policy for ICANN.

Further, that The Cross Community Working Group On Enhancing ICANN Accountability (CCWG-Accountability) Work Stream 2 should engage in conversations about how ICANN stakeholder groups and their constituent members can adopt measures to improve the overall impact of a CSR policy, consistent with ICANN's coordination role, while recognizing that adoption of these CSR policies must not result in an expansion of ICANN's remit.

Patrik Fältström
SSAC Chair

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[4] Human Rights Translated: A Business Reference Guide http://human-rights.unglobalcompact.org/doc/human_rights_translated.pdf

[5] WBCSD - World Business Council for Sustainable Development. www.wbcsd.org. Retrieved 2017-2-24.

[6] European Commission, ICT Sector Guide on Implementing the UN Guiding Principles on Business and Human Rights http://www.ihrb.org/pdf/eu-sector-guidance/EC-Guides/ICT/EC-Guide_ICT.pdf

[7] Akram Atallah, Conduct at ICANN Meetings https://www.icann.org/news/blog/conduct-at-icann-meetings