
RECORDED VOICE: This meeting is now being recorded.

NIELS TEN OEVER: Thank you very much. And then let's first do our roll call. So let's make sure that we've got everyone recorded in the Adobe chat, and [inaudible] that we can identify the people that are on the phone bridge.

So I see that David McAuley is 8222. And who else on the phone bridge that isn't on the Adobe Chat?

NIGEL ROBERTS: This is Nigel.

NIELS TEN OEVER: There is Nigel Roberts. And then there is one more phone number that I see.

DANIEL APPELMAN: Dan Appelman here.

NIELS TEN OEVER: Okay, great, welcome. Great to have you all on the roll call. Does anyone have a change to their statement of interest that they would like to declare?

Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.

Okay, then that is done as well. Then in a final round of administration, it was an issue that came up around some of the work last week. That is people that have been assigned or have registered themselves in this design team as observers, cannot actively participate in the drafting or the discussion.

Luckily, this is not a big boulder, you can change this by emailing staff and ask for a change of your registration, and then you can be an active participant. So that should not be a problem from now on anymore. And so now, I would like to go ahead and propose the agenda, that is the discussion on the document that we have agreed on working on last week, namely the summary of what was agreed and discussed on human rights during work stream one.

And the discussion, and concerns, on possible impact of human rights, the bylaw, and the framework of interpretation. And after that, we will discuss a different working tool that we use as a design team, and at the final point, we have any other business. Do people have any other agenda points that they would like to bring up?

No? So if that is the case, then I would like to go ahead to the first content point of our agenda, and that is the document that has been so greatly prepared by Greg Shatan, Tatiana Tropina, David McAuley, and I also contributed to it a bit.

Let's see. Cant the staff, can you open the first Google document in Adobe Connect please?

And then I will ask, perhaps, Tatiana, Greg, and David, perhaps to walk us through the document. I have only one final note I need to make. I

tried to remove some of the comments to make it a bit more readable for the people, but of course, this is a complete draft document that is open for comments by everyone.

Tatiana is suggesting Greg, you start. Greg, would you be so kind to take that responsibility and go ahead?

GREG SHATAN:

Thank you. Greg Shatan. Thank you Tatiana for volunteering me to do this. So I hope that you volunteer to take the baton back from me at some point.

For some of us, this was an exercise in nostalgia of a sort, who were participated in WP4 and as well in the CCWG. We've noted in the introduction, WP4 was kind of the, was one of the mid-stream creations of the CCWG. It came after the second draft report and the Dublin meeting, of ICANN. Second draft report, you know, acknowledged that there were discussions that resulted in the decision that a bylaw should be created.

That's what is noted here in this first draft. I think the comments, while they're in the document now, have actually been kind of resolved. I think this is, it reflects appropriately kind of what happened in sort of the roots of WP4. And kind of the run up to it. So as noted, these are, for some reason that were put in by some stakeholders, there is not necessarily any agreement on the specific or particular rationale or reasons for the human rights bylaw, although three were noted for inclusion in the second draft report, which obviously [inaudible] bullet was there, or dash, since bullets were not used in this document.

Perhaps for human rights reasons. After that first intro, we didn't go into some of the things that were discussed, and in some cases, many cases, agreed on, but in some other cases, not agreed on by WP4. And in some cases, WP4, which was a subgroup, not a decision group, kind of like this group, designed to work through the issues and come up with a proposal to be put before the plenary of the CCWG, where decisions would be made.

So some things were decided one way in WP4, and then when it got to the plenary group, things shifted. By and large, that was the exception, not the rule. Most of WP4's recommendations were adopted by the CCWG and appear in the final report.

There are two final reports, there was the final and then the supplemental final, which was really where the decisions on human rights were kind of were reflected, particularly in annex six of the final supplemental final report. So the first thing that was agreed, was that there would be no cherry picking of human rights. In other words, no one right or group of rights would be selected out with the rest to be discarded, and kind of not be human rights for ICANN's purposes, or for our purposes in applying them to ICANN.

That did not, even if we had a decision on exactly what the list of human rights was that we would deal with, and that's really kind of, that's the second point. And the first point was that both WP4 and the CCWG, as a whole, agreed that there would be no cherry picking, and this is reflected in our report, and everything that has kind of led up to this point.

The second point on which there was, in essence, no agreement, or there was agreement in the negative, was that we could not, we did not identify any particular human rights instrument that should be included in the bylaw, nor did we identify one that would be definitively the instrument or instruments that we would use for interpretation of the bylaw.

Instead, that issue is really one of the four issues for this subgroup. So as you can see from the notes there, we did look at the Universal Declaration of Human Rights. We looked at the [inaudible] principles, we looked at the various kind of other, I'll put them in sort of the standard cannon of human rights document. Some of which are created for various different reasons, none of which were created expressly for ICANN, so there is some, in my mind, square peg round hole issues as we look at any one of them.

So that's kind of what the second point was. We did look at a number of human rights instance, no one of them was... Certainly none was put in the bylaw itself, and none was nominated as the list, the one to look at. The next point, we had a series of discussions, the right verb, if you will, that discussions on respect versus enforced and protect as what ICANN's relationship would be to human rights.

So, this is an interesting one, probably the last one I'll talk about before I turn it over at that time. The respect, enforce, and protect are terms that were not just picked randomly, I don't know, kind of the entire vocabulary of the English language, but rather they were picked because they are words that are used in some sense of meaning in the human rights discussion, and in human rights instruments, with the

idea, generally speaking, that protection and enforcement of human rights are the job of states, and that respecting human rights is the proper posture for a private sector organization.

And that there is quite a bit that can be expanded on in terms of looking at the word respect in particular, which I think, again, one of our jobs here is to decide what we mean when we say ICANN respects human rights. And also, you know, looking at, if we may need to find that enforcing and protecting human rights kind of in opposition, if you will, to the concept of respecting. So we'll kind of have a line drawing exercise as noted here.

The idea is that ICANN is not a human rights watchdog, and that ICANN itself, as an organization, has a limited mission, and that mission creep, whatever direction it might go in, is something that overall ICANN working groups like ourselves need to watch out for, as much as creeping the mission in any one direction might seize any one person, stakeholder group, etc.

So, the idea was to make sure to be clear that ICANN is not an enforcer or protector per se, and then the bylaw, it reflects this, and it has at the very end here, you know, the note about expanding the mission. So the, and look at that... I see a note from Nigel here, that you know, respect is a word that is used in the [inaudible] principles, and it has a particular meaning in the [inaudible] principles, and that one of the things that we need to look at is that if we're...

I'll just take on this one last point to kind of [inaudible]. The last thing, you know, that there was agreement, was that there was no blind

commitment to the [inaudible] principles. That there is, you know, an amount to which they are applicable to ICANN, but there are also ways in which they are really cannot applied to ICANN, particularly in the way that it might instruct an organization not to deal with regimes that do not themselves respect human rights, or corporations that do not respect human rights.

And that is kind of at odds with ICANN's somewhat more neutral and global role. And so, we are looking at all of these issues. Deciding what respect means in terms of ICANN and the bylaw is, again, one of our core jobs, and to the extent that it diverges from [inaudible] respect, we'll need to figure out how to deal with that.

And in general, if there is an understanding of respect that's kind of completely standard, and we're kind of doing something different, again, we'll need to figure out how to deal with that. But you know, for a clear point that coming in, we're not blindly committed to the [inaudible] principles. And we've had any number of people point out specific reasons why that can't be, even if at the conceptual level, there is a great deal of alignment with them.

So, the issue here, I think... I've probably talked enough, if not too much, so I'll hand it back to Tatiana to move through the next part of the list.

NIELS TEN OEVER:

Perfect. Thank you very much, Greg, for both contributing to the document and giving this perfect presentation of the first half, and now,

indeed, I would like to ask Tatiana to take us through the second half of the document. Tatiana, please go ahead.

TATIANA TROPINA: Thank you very much. [Inaudible]

UNKNOWN SPEAKER: Hello?

NIELS TEN OEVER: Yes.

TATIANA TROPINA: Super. Thanks a lot. So the next part of the document which will be the history, which we would like to share, is there was no complete consensus of the implications of the article two or article four of articles of incorporation, vis a vis human rights. What does it mean? There are some arguments that we don't need a human rights bylaw, because article four of the article of incorporation already provides that ICANN has to carry out its operation in conformity with relevant principles of the international law, and applicable international conventions.

And or some of us in the working party four, so that this article will cover human rights, commitments to respect human rights. This was the fourth point which I had to clarify. The second point was that the reference to this article four in the text of the CCWG report, because

some of us insisted that we also have to refer to the article four in addition to our bylaw, proposed bylaw text in the CCWG draft.

And basically, [inaudible] agreed that this article might or might not cover the obligation of ICANN to respect human rights. And this issue does not need an external legal expertise, our external advisors. And one of the main concerns was that in general, human rights conventions and human rights international instruments, agreed by the states and applicable only to the states. And what it means is that states have taken this obligations, and they might or might not implement these obligations into their national laws, but all in all, international treaties and international documents themselves rarely, if ever, create any obligations for private companies, even for ICANN, even if this is an unique mission.

So sorry, that was a long explanation, but I think we have to be clear about this because I believe we shall not reopen the debate on the article four of articles of incorporation. The next point in this document is how we came to this [inaudible] bylaw, why the bylaw is not enforced, and why do we need the framework expectation.

I've seen Greg already covered some of the issues which we had in our discussions. For example, what does it meant to expect human rights? And [apparently?] these discussions are so deep and intense, and mostly they were outside of the remit of the work stream one. There was the first point. Secondly, with the proposed bylaw, which we had, concerns are raised that even if we point out, that this obligation to respect human rights, does not create any obligation for ICANN to

enforce, or to protect them, or to be responsible for any contracted parties, or any third parties, by violating human rights.

And even though we try to propose in the text, this obligation does not create any room for court claims by the third parties by human rights violations. There are just concerns that it might create possibilities for RFPs, for example, or for some other claims against ICANN. So we decided that these bylaw cannot enter into force before we agree what the text actually means for the ICANN reason, within its mission, within its core values.

So we agreed that this bylaw text would be dormant, until we adopt, sorry, develop and adopt the framework of interpretation, explaining what actually this commitment means for ICANN. So basically that's all, on the context, on the content of the document. We still have [inaudible] it's up a bit, so we wanted to, someone, not me, because I don't who inserted this. I don't see any changes, track marks.

Anyway, so someone wanted to insert the reference to the annex six, so the final agreement. I think it's a good idea because we started with the pre-WP4 discussions. So it would be like framing the talk and see where it goes. I think that this document can be basically finalized during the next week.

We will not have to walk you through the whole document again. I believe that we will stop and just make it accessible for anyone in this drafting team. Thanks.

NIELS TEN OEVER: Thank you very much Tatiana for your work and for this great summary. I would like to give David McAuley, who also contributed, also the opportunity to add some words to this. David?

DAVID MCAULEY: Yes, thank you very much. Can you hear me?

NIELS TEN OEVER: Yes, very well. Please continue.

DAVID MCAULEY: Thank you. And thanks to Tatiana and to Greg. I thought that those were both good summaries. I don't have much to add. I did put a few comments in the document, and Greg commented on one of my comments with respect to the visibility, and I would tell Greg I accept his point of view. I think that's right.

But overall, in work stream one, I was very much involved in these discussions, and I agree with the statement that what it boils down to was a statement that we got to the point of respect, we debated what that means, and we punted that, we've pushed that off to work stream two, what we're engaged in now. And the other issue were, as they pointed out, enforcement and protection.

And one additional point, which the chat has mentioned recently, and that is the term applicable law, which also shows up in the core value part of the bylaw. These were all points of contention, and I think these points that we're going to have to work through. And so I, with respect

to the document, I mean, I agree with what the document says as far as the background.

I was there, and it was, at times, contentious, always respectful, and it's a difficult issue to work through, and so I look forward to what we are going to do in the working group. Thank you.

NIELS TEN OEVER:

Thank you. Thank you very much David. It was very clear. So now we have this document, and before suggesting and discussing what the further do with it, I would like to open this for discussion, both by people who have been a part of work stream, but also for people who have not been a part, because one of the reasons for writing this was to ensure that people who were not part of work stream one, would get a bit up to speed with the discussions that we had there.

So I would like to hear from people whether the document is having this function, and whether people feel it's good enough for that. So I see we have a queue forming up. I'm very happy with that. And first, I would like to give the floor to Farzaneh. Farzaneh, please go ahead.

FARZANEH BADI:

Hi. Farzaneh Badii. So I just have a comment. I looked at the document, and it's quite clear. Just when I was going through, I looked at the enforcement, and it says that, first it says that, ICANN should come [inaudible] to respect human rights within the limited scope of its core values. But then it says, any type of internal enforcement or regulatory activity would be wholly out of scope.

So I think the open interpretation is that internal enforcement of human rights within ICANN is okay.

NIELS TEN OEVER: I think I missed the end of your question, Farzaneh. But if someone else got that, could someone else respond? Or else, Farzaneh, [inaudible] sort of phrase and rephrase the end of your question?

FARZANEH BADI: Sorry. Yeah, sure. So basically what I'm [inaudible] so David... That was a question, David, I was not making a comment. I'm just asking what... If it means that, we have to be clear that we are only talking about external enforcement, and internal enforcement of human rights within ICANN is open to debate, because at the moment, this document is a bit, the sentence is a bit phrased like enforcement in general.

So maybe that could be one of the things that we can discuss in this group?

NIELS TEN OEVER: Perfect. That's a very clear question, Farzaneh, and I think that Tatiana has a response to that, if I saw that in the chat. Tatiana, would you like to directly respond to this?

TATIANA TROPINA: Yes, thank you very much Niels for giving me the floor. Farzaneh, thank you very much for the question. It is a very valid question. Yes, I think

the enforcement refers to external enforcement and [inaudible] lines. Of course, when they're talking about respecting human rights, respecting human rights isn't the ICANN's mission and core values. Of course, it would be about internal enforcement, probably.

At least the debate should be around this as well. Inclusion or exclusion of internal enforcement of our obligation to respect human rights for the ICANN, is of course the exercise for discussion and the decision which is left to the drafting team and to the broader group, but I think that it would be better if we will make a note on the record, that this should be a valid point for discussion, internal enforcement of the obligation to respect human rights.

Thanks. I would like to have it on the record as a point for future discussion. Thank you.

NIELS TEN OEVER:

Perfect. Thank you for that response, Tatiana. I would like to now go ahead with Paul who was next in the queue. Paul, please go ahead.

PAUL MCGRADY:

Thank you. Paul McGrady. For those that were involved in the work stream one discussion, I know that we got to... I wasn't there, but I think the conclusion was that we got to the problem of defining respect. And then it got punted to work stream two. Can we have more detail on what that discussion was like? Was respect being defined as ICANN's own actions, versus enforced, which would be third party actions?

And did you guys get into the issue about the constituent organizations within ICANN, right? So I mean, there is ICANN the staff and ICANN the corporation, but there is also ICANN the community, ICANN the constituency members, constituencies.

How far did you get in sort of attempting to address all of that? Or was it just, you know, fairly early on realizing that we wouldn't get, we wouldn't get the report out in time, and push this off. Thank you for anybody who can comment on the history there.

NIELS TEN OEVER: Who could be the person who can answer Paul's question here?

TATIANA TROPINA: Tatiana Tropina. Sorry for intervening. I can answer, and then maybe Greg and David can follow. So if you allow me.

NIELS TEN OEVER: Please, go ahead.

TATIANA TROPINA: Yes, thank you very much. Tatiana Tropina again. It is a mix of what Paul just told. Of course we had such a limited time to go deeply into the issues of constituencies and all of this. For us, it was rather more about, is it policy level, is it policy making level for ICANN to respect human rights? Or is it operational level or both?

And how this commitment will actually be implemented on all of those levels. This is the first thing. And second thing was, because we couldn't reach an agreement which human rights they're actually referring to, and we decided not to cherry pick, so which human rights we are actually going to respect, because this is also a big question for all of us.

And of course, drawing the borders between respecting and protecting, because some of the concerns were raised that respect and some of the human rights might actually lead to some kind of enforcement, and we have to draw the clear lines.

So it was a very complex issue, and yes, we did a deep diving into constituency issues, but we did some diving into what actually respect might mean on the policy level or operational level, but not that deep because we didn't have enough time. Thanks.

NIELS TEN OEVER:

I think that's a very fine point, and I think in the chat, there is also a good explanation ongoing. I see David McAuley and Greg also would like to respond. I see Kavouss is earlier, but I think Kavouss wanted to bring up a new point. Kavouss, would you like to respect that, react directly, or do you have a new point?

KAVOUSS ARASTEH:

I think a discussion now is limited to a few people, so it is excluded the discussion between few people. There is no allowance for other people to talk. So, if you try to make the meeting available to everybody, you

should not give the floor to one person. Back and forth, back and forth, back and forth.

Some people, they do not allow the others to talk. That's all. So please allow me, what is internal enforcement? Please put a definition in the chat. And what is external enforcement? Please put a definition. And we're going too far in theory. We are far from the reality.

I don't follow the discussion at all. I have followed all working parties' work, but I think the discussion is totally deflected. Meeting is not organized, not very well managed. I'm very sorry to say that.

NIELS TEN OEVER:

Thank you Kavouss. And we're greatly looking forward to your input in the document, in which you can perhaps reflect the working party four, as you've been a part of it, because I think it would be greatly benefiting from your perspective as well.

So, thank you very much for that response. And I would like to continue to David. David, please go ahead.

DAVID MCAULEY:

Thank you Niels. David McAuley speaking. And I was, I put my hand up to respond to Paul's question, and I think Tatiana put it well. I would simply add that, in the discussions as I recall them, it's a bit distant in time now, but as I recall them, the discussion about respect, respect wasn't really defined. It was something that was teased upon very early so that we could all live with.

So the discussion seemed to move on to, and what else? And we never really settled on anything else. And so, we didn't really delve into respect too much, and with respect to the overall community, I would simply note that there are, in work stream two, groups looking into SO AC accountability, staff accountability.

So in my recollection, as well as my look at work stream two, I don't believe it goes beyond ICANN, the organization. And to my good friend, Kavouss, I would simply say, I personally think the discussion is fruitful so far. So anyway, thank you Niels.

NIELS TEN OEVER:

Thank you very much David. And Greg, please come in.

GREG SHATAN:

Thanks. Greg Shatan for the record. Just briefly add to what has been said about, in answer to Paul's question. I would say that we have some records we could go back to if we wanted to. To see, more specifically, what we did and discussed about respect. And I recall a fair amount of discussion on it, especially as, versus protecting and enforcing, taking a more proactive role.

You know, the... We looked at the [inaudible] principle definition, and we looked at other uses of it. We didn't adopt any one of them, but there was certainly some hardy discussion. So, you know, not a deep dive or a lengthy dive, but it was, you know, at least a few laps of the pool. Thanks.

NIELS TEN OEVER:

Yeah. Thank you very much Greg, David, and Tatiana. I'm very happy that we managed to come to a quite converging image and recollection of working party [inaudible]. I think, from what I see in the chat from Paul, that Paul's question is also reasonably been answered. So that's good.

I'm also happy that we heard back from people who were both in work stream one, and people who were not in work stream one. I'd like to now ask people that after they [inaudible], we have like one more week to jointly work on this document, and clean it up, and brush it up a bit more.

And perhaps like one way to go forward, as it was suggested, was to indeed, move from the quite early beginnings, namely the discussion that resulted in the second draft report of the CCWG, up to the final recommendations in annex six and annex 12. So we really have a bit of a manual for what we are doing here, the coming time. Would people agree that that would be a fruitful way forward on working on the document?

Could I perhaps see some green or red ticks, or perhaps some hands with other suggestions?

So my question is, shall we continue...? I see a hand from Nigel. Please Nigel, come in.

Oh, that was a green tick. That's excellent. So I see a couple of green ticks. No hands. That's great. So I hope that we can continue to work this week as consecutively as we've been working this week. But of course, everyone is very much invited to contribute as well.

And then on that note, I would like to go back to the agenda. And the agenda, the next agenda point, I think can be relatively short, because that is the agenda point of the other documents, which would map concerns on the potential impact of the human rights bylaw and the framework of interpretation, which was to be drafted by under the [inaudible] of Paul [to me?] with contributions of Tatiana Tropina.

I have not seen much in that doc, which is very good news because it probably means that people have very little or no concerns, or that people have not had the time to work on this document. Since we've only started, I think it's more of the letter, so I'll ask Paul, who is, I think, not on the call here today either.

And Tatiana also has been quite busy on our other document to work on this in the coming week as well. And if there are other people who have specific concerns, I remember Marcus [inaudible] of the ICANN Board, and with this also a call to other Board members, already have concerns or concerns that live in the Board, or in other parts of the organization, because we can early on, put them in this document, so we can ensure that we take them from the beginning onwards into account, and can discuss them, so we can have a really transparent process leading to the framework for [inaudible].

So, are there people who would like to add something to the document on concerns? Or shall we leave this for a week of work and contemplation?

So it would be a really great if people could contribute to this, because I think it's not only important for people that we understand how to go

forward, but also to what people are, without the threats and risks people see.

I see here the hand of Kavouss. So, Kavouss, please, go ahead.

KAVOUSS ARASTEH:

Sorry. Someone said that he or she is happy that we are on the same page. Can you please tell what page we are? What is our starting point? You are talking about concerns. You are talking about many things. What are the page that all of us are on the same page? And what are the starting point, what is the starting document on? Thank you.

NIELS TEN OEVER:

Kavouss, I think that what we are doing is that we're currently working on two documents. The two documents are in the agenda, and we discussed, during the last meeting, we would develop these documents. The document has seen quite a lot of process, and progress, and we've been just discussing that.

We're now discussing the document on concerns on possible impact on the human rights bylaw and framework on interpretation. That document has not seen a lot of work, and we're going to work on that in the coming week. That is where we are right now.

So, Ron, please go ahead.

RO DA SILVA:

Thank you Niels. You asked, I think, specifically around any Board concerns. I think the majority of those were reflected in the work stream one output, specifically around referencing, you know, what standards we're going to use, you know, what outside [inaudible] do we put to in order to find what those are, and then also around enforcement and [inaudible].

So a lot of those concerns were captured in the document already. I don't think, at least I'm not aware of additional concerns that the Board, or that individual members of the Board have, beyond what was already reflected in the work stream one output. I certainly would encourage participation and contribution by individual Board members, [inaudible] Board as a whole, or as it continues to develop this in work stream two.

NIELS TEN OEVER:

That's perfect, Ron. That is extremely clear, and I'm happy to hear that. So I think that the people who are working on the concerns document, will also have a look at the concerns that were brought up earlier, and then they could see which ones were addressed and which ones were not. So that we also have a nice recollection of those pro and con arguments, that will be very helpful.

And I see that Tatiana is already offering to do part of that work. So that is, that sets a pretty clear mandate for us, for the coming week, to work on that document. I see a comment from Jorge Cancio, that I do not understand right away. Jorge, would you like to come in and provide a bit more commentary on that? On the call?

Jorge, please come in.

JORGE CANCIO: Hello? Can you hear me okay?

NIELS TEN OEVER: We hear you now, loud and clearly. Thank you.

JORGE CANCIO: Okay. This is Jorge Cancio for the record. I'm not sure whether my oral explanation will be clear, and what I just add as a comment in the chat room. As you know, there are different opinions about the level of commitment we have to human rights under the bylaws, and especially under article four of the articles of incorporation.

If my memory doesn't betray me, there have been instances that were, I don't know whether in IRP decision, human rights have been referred to on the basis of article four. So it makes sense, it may be arguable that there is already a certain level of commitment to respect human rights according to the current, applicable to ICANN.

So, as an additional point to those that fear that the framework of interpretation, may be used or may have consequence, that the human rights commitments go too far, which is one thing we have to discuss here, I would ask on the other hand, that the framework of interpretation, neither should weaken the level of commitment we have nowadays.

Perhaps in [inaudible] of opinion, it could be useful to have a neutral or an independent analysis of decisions made in IRP panel. So what's in

other decision making instances of ICANN where, and this article four or other parts of the bylaws, or the articles of incorporation, have been referred to as a basis of a commitment to respect human rights in the ICANN framework.

So we would have a more complete picture of where we stand nowadays, and this concern or this danger to water down somehow the current level of commitment. I hope this is perhaps a bit clearer.

NIELS TEN OEVER:

Okay, that is very clear, Jorge, and if I am not mistaken, then this is the, exactly what our colleague Lee [Hibarrd] of the Council of Europe, problem is that he would do. So if already someone volunteered for that work, that will be really good. So, is that also your recollection from what we said here in the call?

Because I think he offered to do exactly that.

UNKNOWN SPEAKER:

If I may chime in?

NIELS TEN OEVER:

Yes, of course [CROSSTALK] Please go ahead.

UNKNOWN SPEAKER:

Hello? Okay. [Inaudible] the floor. Well, I don't remember the exact words, but we have the transcript, I think. I think he proposed to offer a list of international instruments on human rights, of course, relevant to

the framework of interpretation. But I don't think that he also offered to make this sort of analysis, which is more what has been the jurisprudence, the legal decisions are made in IRP panels and other instances, applying the current bylaws and articles of incorporation, where references to international law and to specifically human rights, have been made, is my personal recollection, if not incorrect.

Sorry for [inaudible] that we would need to engage with if we [inaudible], of course.

NIELS TEN OEVER: Is this something you would also be interested in to correlate [inaudible]?

I see there are...

UNKNOWN SPEAKER: [I would be?] prepared to do this. That's the question.

NIELS TEN OEVER: Yeah, so let's first see if there is broader interest in this topic, and then we can see how we can address this topic. It definitely seems interesting. Tijani, please come in.

TIJANI BEN JEMAA: Thank you very much Niels. Can you hear me well?

NIELS TEN OEVER: We hear you very well.

TIJANI BEN JEMAA: Thank you very much. Tijani speaking. Thank you very much for all people who work on the document of history. I think it was a good thing, but we don't have to spend more time on it. I want to remind everyone that the output of the work party four was reflected in the final document of the CWG. It was in one document, and this is the part that is agreed on by everyone, so we need to stick to this.

It will be good to have directors of the [originals?] of those ideas, but now, it is done, and I think that we have to go forward. I want to remind everyone that we have a narrow mission, which is to define the framework of interpretation of human rights inside ICANN with the mission of ICANN, not to go out of it.

And we have to start working on that as soon as possible. We don't have to, in my point of view, to try to [inaudible] more, to have more, to give ourselves more mission, more part of mission that we have to add to that. We need to have a framework of interpretation. This is our mission. We have to stick to it.

So, I understand that at the beginning of those first guests, we need to perhaps have references from where this comes, etc. But now, we have to go forward for the work, and start working on the frame of interpretation of human rights inside of ICANN. Thank you.

NIELS TEN OEVER:

That is a great reminder, Tijani, and a great comment. And I think that we could indeed start the opening of a third document, which could be the draft document for the framework of interpretation, during our meeting last week, we decided what different questions we would need to answer. So tomorrow I will pick up a rough outline for the document, share the URL to the list, and then see which, as far as we could start drafting, where there are more concerns where the drafting goes easier than at other points.

It could then indeed be our working points for the coming time. I think it's also really important to say that we are all on the same page, coming from the same place, and also understand each other's concerns. So I really think it will help our drafting.

So I see Kavouss has his hand up. Please, Kavouss, come in.

KAVOUSS ARASTEH:

Yes. My understanding of saying work of interpretation is as follows. There are two works. One is [inaudible], the other is the interpretation. [Inaudible] is the [inaudible], is the [area?] or is the envelope in which we work, and interpretation means providing understanding of the rules, understanding of the basic provisions. When the provision is very general, and it is difficult to clearly implement that, we try to interpret that means providing our understanding.

So the first thing that we have to do is to have some sort of description, what is our understanding of framework of interpretation. Framework was mentioned by Tijani, that we have to work within the article of the bylaw relating to the human rights. And interpretation is how we

understand to implement that, and what are the details, shortcomings, or deficiency or difficulty that we may face in the implementation of that.

So you need to work a little bit and to provide some description. What in the area that we are working means framework of interpretations. What we interpret is [inaudible] existing bylaw in the ICANN articles, or is the interpretation of what? What are we interpreting? This is an important...

This has been in the ICANN for many years, but there is no clear understanding framework of interpretation. My understanding is the way...

NIELS TEN OEVER: Kavouss, Kavouss...

KAVOUS ARASTEH: ...that we try to describe how to implement and how to understand the text. If I am wrong, please correct me.

NIELS TEN OEVER: Kavouss, I think you are largely correct, and a much more detailed discussion can be found in annex six of the CCWG report. And to see examples of framework of interpretation, there is also a link to the ccNSO framework of interpretation. So I think we have examples, we have a clear mandate, and last week we also discussed what the

different parts should be that, what the different parts should be of this document.

So I think we have pretty clear guidelines with which we can go ahead in the coming week. And I think we can see how that goes. Then I'd like to move on to the final point of the agenda today in the last three minutes, because people have been... There was some issue last week, but some people brought it over to us, problematic to work on Google Doc.

So I've been comparing [Ether Pats?], Google Docs, [Gif Hub?], the mailing list, and the Wiki. And it shows that the only instruments for collaborative working on text, which means the same time typing, are [Ether Pats] and Google Docs.

If we look at [Ether Pats], that there, the functionality is nowhere, especially when it comes to comments, issues, and track changes. So, even though there might be some problems with Google Docs, that seems to be the most workable instrument right now to prepare our documents.

If people have specific issues with this, please bring them up on the list, and then we will seek to address them. I hope that is okay. I would also prefer if we had open source software solution to this, but currently, in the case of our productivity, Google Doc will probably work the best.

So if people have other comments, this discussion, please bring them up on the list. I have current comments here. I see Tijani has a comment. Tijani, please come in.

TIJANI BEN JEMAA:

Thank you very much Niels. Tijani speaking. Yes, for sure, that Google Doc has the opportunity to make simultaneous typing, simultaneous changing of the text, but I'm working and I can't, since [1909?] I think, and we was always, and we are still always working with Wiki [inaudible]. And that's right, that you cannot type at the same time, but if it happens that you are typing, and another one is typing, someone has to wait a little bit, and then you can continue, you can do your change.

And it is a very good and secure collaborative tool. I think that we have to make use of what ICANN can give us as tools, because as I said, we had people working with us in China, for example, some people in China, some members in my community, in China, that it didn't work there. So if we want everyone to contribute, we have to use the tool that is accessible for everyone.

And as I said, I was working with ICANN for a small time, and we were always working with the Wiki, and it is always working well, except if it happens that two people want to work exactly at the same time. Thank you.

NIELS TEN OEVER:

I propose to take this discussion to the list, also because a lot of people have to go, staff needs to go, and clearly we don't have consensus on this yet. So, we have three clear to-dos for the coming week. Work on the three different documents and to continue this discussion on the working tools.

I would like to thank you all for this productive meeting, the collaboration this week. I'm looking forward to the collaboration in the coming week, and see you again next week at the same time, at the same place. Thanks all. Bye.

[END OF TRANSCRIPTION]