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CCWG-Human Rights SUBGROUP

Tuesday, July 18, 2017 - 13:00 to 14:00

>> MR. NIELS TEN OEVER:  
please be so kind to start the recording.

Okay. Hello everyone. Would you

It is 1900 JUC at July 18, 2017 and welcome all to the 28th meeting of the cross community Working Group on ICANN's ability workstream two, human rights subgroup. It is great to have you all here after a break for the public comments and I am eager to dive right into the work with you all.

Thank you very much. I can start facilitating this meeting. We also have captioning now, which is a great improvement. Thanks so much.

Let's start with administratia. I can stop, we can take a role call from the Adobe Connect room. Can everyone on the audio bridge and not in a Adobe Connect room, make themselves known for the archives.

We have received apologies from Avra doria and if anyone has a update for their statement of interest, please let us know now.

Great. Then we can go, I see Greg is here. Please come in.

>> This is Greg Shatan for the record. I'm not sure I mentioned it for the group, but I've changed employers, now working for a boutique technology transactional law firm called Borstein Legal Group. So I'm feeling more like a techy than usual, even though I'm clearly not one. Thank you.

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>> MR. NIELS TEN OEVER: Congratulations on the transfer, Greg, and great to have you here again.

So, does anyone have any additions, suggestions or comments on the agenda?

If not, then I would propose that we're going to pull up the highlight sheet which have been so gracefully prepared by Bernie. Thanks so much for that Bernie.

Then I propose we go jointly through the columns and see where the (indiscernible) are, and where we need to address our interpretation or considerations document.

Does everyone feel that is a constructive way to go forward or do people have other suggestions of going forward?

If not, then I propose we go forward with the working document that is in front of us. And, the first two paragraphs are comments from ALAC, therefore, I'm very happy we have Cheryl Landon with us as well, so they can help us with interpreting the paragraph.

I'll do a quick read and as soon as people feel that there is something that they would like to comment on, of course please raise your hand and we'll take a cue from there.

So, the first compliment. The ALAC believes it is imperative to ensure that the continued discussions concerning human rights are clearly scoped within ICANN's technical remit as set forth in ICANN's mission and bylaws.

This remit is limited to coordinating the allocation and assignment of Domain names, Internet protocol addresses, Autonomous System as numbers and protocol port and parameter numbers. As the Security and Stability Advisory Committee stated previously,

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assessment based on content assessed through these unique identifiers should not be in scope for discussions regarding human rights in ICANN organizational context.

This means any binding language which holds ICANN accountable to a Human Rights' core value, should fall within the scope of ICANN's limited remit.

Such binding language can be only be required by applicable law and should be implemented via human rights Impact Assessment and followed by development of a corporate social responsibility policy for ICANN.

This is the first comment, I think that it's exactly in line with the text that we currently have in the. I did not see a hand, but I heard some audio. Is that someone who would like to come in?

>> I recognize Ann's voice. Could you mute your microphone on your computer also, Ann?

>> MR. NIELS TEN OEVER: So, this first comment from ALAC, does anyone think we should add something or change something? I see no hands, so I propose we continue with the next comment, which is also from ALAC.

As a final consideration the ALAC would like to ask the subgroup to clarify the statement on human rights impact assessments on page 8 of the draft FOI. HRIA's should not consider particular human rights in isolation since they're universal, indivisible, interdependent and interrelated. How does that relate to the criterium that human rights are only respected by ICANN as required by applicable law, and if applicable law does not require this written certain jurisdiction, that the particular human rights is not relevant to ICANN.

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That is something that which we need to provide clarification. I have some ideas about it but I would be very curious to hear the thoughts from the room.

What are the thoughts of the people in the room about this?

>> David McCauley for the record. This is language, this phrase that we used throughout our work in workstream two here, but I think it's, it is obviously that in certain situations, human rights are not indivisible, whatever the magic language is, it's a little too small for me to look at right now. And the obvious example is sometimes someone's right to privacy clashes with another person's right to freedom of expression. And so, I do think, the idea of clarify sayings a good one here with respect to that phrase. Thanks.

>> MR. NIELS TEN OEVER: Okay. So, I propose that I go to the Google doc and I'll put the link to that in the chat. And then we make a note there on page 8. And add the need for us to clarify; clarify in the light of comment to in the highlight by ALAC.

So, I think what we will need to do is make it clear that human rights needs to be balanced and that in our consideration of them, of course we need to look at applicable law, but we also need to look at the width of the different human rights across the spectrum. So we will work on that. That's good.

So, now we go, I propose that we do not try to solve everything here at once, but we try to develop a heat map of things we need to work on and then we try to tackle them one by one instead of trying to address everything at once. I think that will be a bit too ambitious.

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So, the third comment is by SSAC, even though it says by ALAC. And that comment reads, since there are no associated security or stability aspects the SSAC is pleased to offer its support to the draft framework of interpretation of human rights. The SSAC notes that as chartering organization of the CCWG accountability, formal SSAC approval of the final version of the Framework of interpretation for human rights will be required in due course.

So, that's, that reads as an approval and as a reminder of the process of which we are all very well aware.

So, I don't think that requires further action from us at this moment, so I propose we continue to the next paragraph, which is provided for us by it says the business.

Internationally recognized human rights, in the By Laws, considered together with the reference as required by applicable law, as recommended by the Working Group under the human rights core value, existing international human rights declarations and covenants continue to have no direct application to ICANN as they create obligation only for nation states. We note that question of applicable law in any given situation will need to be determined on a case by case basis.

I think this is, oh, I'm very sorry captioning. I will slow down a bit. (Thank you).

I think this also reiterates what if they're in text and does not warrant any changes or comments. And it continues. In addition to the FOI itself, the sub team also published a set of considerations, the Sub Team took into account in preparing the FOI to serve as further guidance regarding FOI and ICANN's application of the human rights bylaw. We support these considerations which reiterate that ICANN is a nonstate private entry is not party to any human rights instruments per se, and acknowledges that human rights are

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universal, indivisible and interdependent and as such no particular human rights to be considered in isolation.

So, I think that's again a mark of approval. So I think thus far, we've been doing pretty well, so that's really good. So I think this does not warrant any change thus far.

Now, we continue with the comments from the gNSO IPC. And IPC wrote, the IPC believes implementation of the FOI on human rights will require considerable additional work and input from the ICANN community. As the FOI HR impacts ICANN policy development for gTLDs directly, the IPC strongly suggests that discussions on how the human rights bylaw should be implemented in the context of gTLD policy development, GNSO working group procedures, and gNSO procedures, generally, are best and most appropriately left to the gNSO. Policy experts within the gNSO community are well situated to determine how best to structure and sequence such implementation. This is also consistent with ICANN longstanding practice regarding the relative roles of different structures in the larger ICANN ecosystem.

This is also exactly what they've been saying in the considerations document that it's absolutely different SO and AC, to integrate the obligations that come with the bylaw in their respective bodies themselves.

So, for this, I don't think we need any changes, but it seems like a reiteration of what we said.

So, then we continue with the next comment of the IPC, and kneel free to comment at any time of course.

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The revised ICANN By Laws specify that no request for reconsiderations or independent reviewable solely based on the human rights By Laws may be invoked unless and until the FOI HR is adopted; however if one assumes that these grievance procedures apply as soon as the FOI HR is adopted by the board, then ICANN should be careful to understand and document all applicable grievance procedures which may appropriately apply before these more formal remedies come into play.

For example, put the human rights bylaw serve as the basis for an empowered community enforcement sanction? What is the role of the ombudsman or the complaints officer in connection with implementation of the FOI HR, or the application of the human rights bylaw?

If a limited public interest objection has been filed against an application for a new detail on the human rights grounds and fails, does that preclude other avenues to pursue grievances based on claims of human rights violations? Again we believe these questions need to be answered in an orderly manner with bottom up multistakeholder participation. The board should consider whether formal adoption by the board of the FOI HR prior to such questions being answered would be premature.

I think these are very valid questions. And, I am not sure whether we should answer this. I am not sure that this is a question that's asked to the subgroup. But I would very like, much like to hear the comments from all of you on this. Perhaps maybe even from someone who has contributed to this.

Maybe Greg? Or Ann? Is it question you think we should look at in this subgroup or (indiscernible) of the board.

Ann, please come in.

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>> Yes. Thank you, Niels. This is Ann for the transcript. I think that the comment really comes in the nature of a, sort of a forwarding comment when we go to the plenary and we are asking for approval of the charting organization, that there is just, you know, further work to be done before the board adopts, so that there is not you know mass confusion created within the organization about remedy.

I think that was some of the thought behind this comment that it might be more by way of a cover letter of some sort; from our group. Thank you.

>> MR. NIELS TEN OEVER: Thanks so much, Ann. And I think or I expect we will hear from the board on this, because as many of you might have noted, we haven't had a comment from the board and I expect that we will hear from the board soon; before August because they've also been starting to look at what a human rights impact assessment should look like. So, I think we might be getting some answers to these questions sooner rather than later, and in the meantime I think there is another question for us to answer. Because for the board and different SO and AC, not so much us.

I see Bernie's hand is up. Bernie.

>> Just a slight reminder as this group went back to the plenary late last year. I believe we went around the topic of implementation at that point. And that we were, the general understanding of the co chairs in the plenary was that we would stay out of implementation in the human rights group, and as such, I would support your take on that kneel, thank you, as consistent, but what has been brought back by the co chairs.

>> MR. NIELS TEN OEVER: Thanks so much, Bernie. And indeed, so I, I think we're all eager to see how this would play out in implementation, but

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let's first finish this part of our work so that we can go on and in a standard way and check off things one by one, as agreed.

So, we can already go to the next page. And that is a comment from the GNSO, SGNC. We are pleased to see that the FOI HR made it clear that ICANN should not expand its mission while applying to human rights core value, but rather ensure in its operations and policy development processes that it does not negatively impact human rights.

We are also pleased to see that FOI HR clearly outlines also supporting organizations and committees as well a ICANN organization, should take the core value into consideration in its policy development or advisory role, and it's up to each SO And AC and ICANN organization to develop their own policy and framework to fulfill this core value. We welcome the adoption of The FOI HR and subsequent valuation of the human rights bylaw.

So, again, that is, I think a compliment of the work we've all been doing in past years together, so that's great.

And, here we go to with the comments of the gNSO. The registry, we start from this assumption, that ICANN is a largely open community driven organization with a solid history of respect for human rights. Registry SG is fully committed observing human rights as per the ICANN bylaw. We appreciate the flexibility given to the SOs in considering the usefulness and appropriateness of human right impact assessments. Well pay heed to the framework adopted by ICANN so that its provisions are appropriately considered in a manner with ICANN mission goals as well as gNSO and RySG's missions, goals and methodology.

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So, here we again see that our work really reverberates within the different community so they are aware that work needs to be done, and that it falls logically on the work we've been doing.

In full or in part, RySG is concerned that an opening of the ICANN community dispute mechanism to broad human right based claims would present a potential risk of undue strain on ICANN resources. Lastly ICANN must take steps to ensure the public and community at large recognize that reconsideration request and independent review process matters are limited to issues where ICANN board or staff allegedly violated its articles or Bylaws and are not suitable forums for any and all human rights based claims that might involve the Internet or DNS.

I think this is also still very well within the scope and mission documents unless someone else thinks differently. I think this is a reiteration of what we've been discussing and thinking and be putting into words in the FOI.

With respect to reference to internationally recognized human rights, we wish to emphasize that these existing human rights declarations and conventions create obligations for nation states, not private entities, as acknowledged in the accompanying framework of the interpretation. ICANN is a nonstate private entity, it is not a party of any human rights declaration, covenant or instrument. These declarations and covenants should to the be taken to create any positive obligations for ICANN as a nonstate actor, particularly in leveraging any of the existing accountability or mechanisms for human rights based claims.

Again, nothing new.

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Further we support the need for flexibility in applying the core values, as compared to binding commitments, including in the context of these dispute resolution mechanisms. As noted in the framework interpretations.

On page 3, the first sentence of the first paragraph reads, finally there is no standing hierarchy in a treatment of a different core values.

Oh, I, I have here mixed in an interesting remix, the, I continued from the registry into the comment of the government of Brazil. So I think the registry did not leave us any specific comments, they reiterated what we had said, and now let's see what our dear colleagues from the (indiscernible) have suggested to us.

Bernie, is that a new hand or old hand?

An old hand, I see.

So we go to the comments from the government of Brazil. On page 3, the first sentence of the third paragraph reads, finally there is no standing hierarchy in the treatment of different core values. As a suggestion of commencement, Brazil proposes redrafting the first sentence of the first paragraph on page 4 as follows. Finally, there may be a hierarchy in the treatment of a different core values, according to the values they embody and importance the multi stakeholder community attaches to these values.

That is a comment not only on the basis of text but also on the basis of comments. So, that is something that we will need to discuss. So I will go to the Google doc, and I note there, insert comment, address comment, Brazil.

And I see a, David McCauley's hand is up. David, please come in.

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>> Niels, hi. David here. I just had a question; as to what we are doing. And as we review, I'm very much, I think you have it right as we reviewed the comments up to this point. You know, they're very much in line with what we did in the FOI, but with respect to a comment like this where there might be a substantive matter to bring up, are you looking for those now or are we simply going through to catalog what the comments are and we'll bring up substantive issues later?

>> MR. NIELS TEN OEVER: Maybe we can do a bit of both.  
So, maybe we can get a bit of a sense of the room object this, without doing it into detail. So would you like to comment or have some initial ideas based on this? Of course this warrants for

>> My only comment here is, their suggestion reads finally there may be a hierarchy in the treatment of different core values according to the values they embody and the importance of multi stakeholder community attaches to the values what this leaves out from the bylaw language for the, from the core, I forget exactly where it was, but what it leaves out is that, is the context of the issue that's presented. So the, the hierarchy of the discussion of hierarchy, took into account the nature of the issue that's presented to ICANN and I think we should sort of look at that to reincorporate that, I don't think a change is necessary here, but I think this suggestive language if it were to be considered, is just lacking some part of the, of the context that the bylaw has. Thank you.

>> MR. NIELS TEN OEVER: Thank you very much, David. I will  
try to capture your comment in the Google doc. I see Greg hand is up. Please go ahead.

>> Thanks, Greg Shatan for the record. I would, first disagree with this concept and then indicate that this may be beyond our remit as well. It's not our job to assess and opine

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and guide on how the core values as a whole will be interpreted. I think what's there now is kind of the current wisdom and generally accepted understanding of how the core values are interpreted. And that there is no standing hierarchy.

As David rightly mentions, depending on the issue to which the core values are being applied, some core values may be more relevant than others, more important than others, more necessary to have exclusively to than others; but that's not a standing hierarchy, that's a, kind of a purpose driven hierarchy; or a factor of a hierarchy based on the particular circumstances.

So, I think what this suggestion does is actually stands, it takes up 180 degree change from what our position in the, in our draft is, is that there is no standing or hierarchy between the core values; and that it gets looked at fresh each time.

So, if it were within our remit to provide guidance on how core values as a whole should be involved, I would reject this, but I would also reject it on the basis that it's going beyond our remit; unless people believe that there really is no learning on how the core values should be applied, which I think again based on recent legislative history, if you will, I don't believe to be the case.

So, I would approach this comment warily, if at all. Thank you.

>> MR. NIELS TEN OEVER:

Thank you very much, Greg and David. I've taken your comments in the Google doc. I see Mark Carville is one of the GAC vice chairs, and one of the co chairs of the human rights working groups on human rights and international law. And he rights that agree teams beyond W G remit, as it is fundamental position about how core values may interact to on vail might override another. Suggestion Brazil raises this in another ICANN form.

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Oh I'm going to say I paste it in the Google doc. It seems we are in violent agreement here, but let's not come to conclusions yet at this first reading of the heat map. But of course it gives me pleasure if there is a feeling of consensus in the room.

So, let's go to the next paragraph; with your permission. On page 4, the first two sentences of the fifth paragraph read, applicable law reference to the body of the law that binds ICANN at any given time in any given circumstances in any relevant jurisdiction. It consists of statutes, rules, regulation, et cetera, as well as judicial opinions were appropriate. Brazil suggests substituting the word binds with applies to. Brazil also suggests including before the word et cetera, express reference to customary international rules and principles.

These are very concrete guidance that I will directly put in the Google doc, and in the meantime invite comments and thoughts from the floor on this.

David McCauley. David, please come in while I comment the Google doc.

>> Hi Niels, this is David again. With respect to this comment, I have a concern, and that is prior to the call, I read the comments from Brazil and all the other commenters in full. And I can't, but I can't recall yet their reasoning for this, but there was as I recall, in their reasoning for, you know, using, applies to instead of binds, there was an element of watering down some of the language that we had come up with. Those are my words, watering down.

And so, I'm concerned here, I think my suggestion would be that before we agree to do anything like this, we go back and look at the full comment and get the rationale for why this was proposed.

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I personally, and I was involved in drafting a lot of this. I personally believe that we had it right the first time and would want to stick with the language we have. Thank you Niels.

>> MR. NIELS TEN OEVER:

Thank you very much, David.

I see Greg's hand is up. Greg, please come in.

>> Thanks. I think David has perhaps said what I wanted to say largely. But, I am concerned about the, also the addition of customary international rules and principles that I think is, there is no mention in the language that's there about international law, but international law is not the same thing as international rules and principles.

Frankly, I have no idea what international rules and principles are. And I think we've been trying to stay away from, if you will, kind of soft law. We do have rules mentioned as well, which perhaps is a mistake on our part. Statutes and regulations are fairly well understood. Rules starts to get a little bit fuzzy.

So, if anything, I would think we might want to change our language to remove rules and just refer to statutes and regulations. Thanks.

>> MR. NIELS TEN OEVER:

Okay. So I have taken that into, and David McCauley says that the customary language would under cut bylaw language. Okay. So I got that covered in the doc as well.

We could also consider inviting a representative of the government of Brazil maybe to explain their position in a bit more detail, or reach out to them in a following call. And else we just consider it as we do with comments that we receive from everyone.

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So, now we continue with the next paragraph. On page 6, the first full sentence at the top of the page reads. However, ICANN community and the organization could refer to any of the widely adopted human rights declarations, conventions or other instruments while taking human rights into account in its policies and operations.

Brazil suggests redrafting the above sentence as follows. However, businesses can be subject to international customary law rules and principles as they evolve in the field of human rights. Further, ICANN, the community and organization should refer to any of the widely adopted human rights declarations conventions and other instruments while taking human rights into account its policies and operations.

I guess people have comments. Greg, please come in.

>> Thanks. This is Greg Shatan again. The first sentence of Brazil change introduces an entirely different concept. And one that I think really does us, it gets us off into a whole different kind of, into the weeds in many ways. You know, I'm not really sure what the point of saying this is, and saying they can be subject. I'm not sure this, maybe just an English language thing. Either they are subject or aren't subject. Again, we're back to this international customary laws, rules and principles concept, which I'm this, I am very squeamish about, because we're not talking about laws.

So, I would the first sentence I think, while duly taking into account the suggestion, I would reject them. The second chance could refer to should refer. And I think we don't want to be that directive. And you know, the rest of it, I think is largely like our sentence, I find ours to be fine as is. Thank you.

>> MR. NIELS TEN OEVER:

Thanks so much, Greg.



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David, please come in.

>> Thanks Niels. Again I think it's along the line of Greg does, I'll state it a little differently. There is really going to be two bodies of human rights law. Those which are binding upon ICANN in the situations it's presented with, and those clearly it has to abide by. And I'm addressing the language, the language about can refer to various widely adopted rules.

But beyond those that are binding, there are also human rights instruments that may not be binding on ICANN and there I think instead of saying it should accept widely adopted ones, it's up to the community in ICANN0 to decide which ones of those they want to follow. So I'm sort of right with Greg in that this is another way of saying something we labored on quite a bit and we came up with the language we did for the reasons we did and I think we captured it right the first time.

And so, I agree with Greg, that we should stick with what we have. Thank you.

>> MR. NIELS TEN OEVER: Thank you very much, David. This is indeed something that we've discussed extensively. And maybe we should explain it again to people; to also really make sure that we've taken their comments into account, thought carefully about it and came to a conclusion. But coming to the conclusion now is too early.

I see the hand of Bernie comes up. And Bernie also brings in with him. So Bernie please come in.

>> Thank you, Niels. Just a point, this highlights document was really meant to be exactly that, a highlight to give a good idea of what the commenters put in, but it is not the full comment. And now that we're in the government section of the comments, the

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government comments were quite lengthy from certain cases and so, any real discussion of the comments should be based on their full text which has been transmitted to the group. Thank you.

>> MR. NIELS TEN OEVER: Thank you, Bernie. And that's exactly why, why I shared them as provided by you in PDF form with the whole group, and we'll go through that. But I propose we do not all read the comments in full on the call, but consider that as a bit of homework, just the first early heat map to see where the comments are. Thus far it seems from the, from the GNSO, it seems we are quite good and seem that we might need to dig a bit deeper into the gap comments so it might be on our work plan. But let's first continue with examining the highlight. And then we get to the next level, the next part, which is the comment of the government from Switzerland.

Accordingly, we propose the following paragraph on page 4 under it's nationally recognized human rights be reworded as follows. However because they only create obligations for states. By committing to one or more of these international instruments, nation states are expected to embed human rights in their national legislation. Businesses should respect human rights as set out in the UN guiding principles on business and human rights.

Ooh. I think I remember talking about that before, and maybe others may remember that too. David, please come in.

>> Thank you, I'll be very brief. And it's just along the lines of how I've been speaking before, but also with the human guiding principles, the Ruby principles. I mean we have spent considerable amount of time on that, and I think that we should stick with what we have. Thank you.

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>> MR. NIELS TEN OEVER:

Greg. Please come in.

>> Thanks. Sorry to sound so agreeable to David, but I will. This really would reopen, you know, months of discussion about the relative, about how we relate to the (indiscernible) principles. And I think we, we as working groups do, established a consensus that balances, you know, a variety of viewpoints, of which this would have been 1 had it been expressed in the group.

So, I think our careful balancing act is where we should stay. So, just trying to you know, put that all aside, for a wholehearted embrace of a particular position about the working principles, it would then be much different than other positions that inform the consensus would basically just throw our work, you know, back. It's like trying to make, make the omelettes back into an egg.

>> MR. NIELS TEN OEVER:  
comment, Greg.

Thanks so much for that

Now, we get to the next comment, the comment of Switzerland. As to internationally recognized human rights, a reference to the UNGP as standard for business enterprise should be included as mentioned above. In addition, references to other universal human rights agreements from the UN should be included, such as the Convention on the rights of the child, the International Convention for the protection of all persons from enforced disappearance, Convention against torture and other cruel, inhuman degrading treatment or punishment.

And furthermore, also the humanitarian international public law should be considered such as the Geneva Conventions. Finally there are also relevant regional agreements

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which should be considered such as the European convention on human rights and the Budapest Convention on cyber crime.

Comments? David, please come in.

>> Thank you, Niels. In my opinion, we are better left with a general reference to ICAN's obligation to respect international law recognized human rights as applicable, or as required by law. And the reason I say that, when you start cataloguing human rights as done in this suggestion, and I haven't read these, all of these, but you can easily see how these might come into tension with the idea of administering a top level domain. And when you recognize that the IRP may be open to human rights claims, we would be creating perhaps an impossible situation for ICANN.

So before we sign onto these catalog of rights, we would need to understand exactly what they say and what they mean, how they interact with TLDs and I think we are much better off with the Rubric we've come up with, and we've done this with some intention, you know, and the bylaw actually states, internationally recognized human rights as required by applicable law. Thank you.

>> MR. NIELS TEN OEVER:

Thanks so much, David.

Yeah. I think we'll need to look at of course some of these documents. We've he enumerated some documents where we have said, we have enumerated some instruments, and I think it was not an can exhaustive list so it could be interpreted that these are informally referred to.

Let's have a look and discuss what we could include. What would be harder is a regional agreement, such as the European Convention and the Budapest Convention, because

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then we would be including things in jurisdictions where countries have not adopted or rectified these and that would bring ICANN also in a very strange position. But again, this is very early thinking.

I see that Mark Cavelle is Switzerland and UK government (indiscernible) where he's preparing his response, and we can expect this discussion to be revisited. Yeah. So the ruggy, the careful balance that we have, that ruggy would not play a role in interpretation because it could lead to chain responsibility, especially with TLD, that we did not want, but we could use, ruggy for implementation, was the raw balance that we agreed. So there is the reminder or the suggestion in the comments from UK and Brazil to reopen that and discuss that.

So, we might revisit parts of that discussion and see where we get on that. It's noted in the Google doc.

So, let's continue with the next comment. Regarding the interpretation of the section as required by applicable law, we consider that this element should never be used as a means to implicitly relative the universality of human rights and subjecting and/or constraining them to national legislation. It would be desirable to include expressly this means to comply with all applicable laws and respect internationally recognized human rights.

I will note that, in the Google doc. Any responses to this? No hands.

Okay. In that case, I will continue with the next paragraph. The argument that the entirety of the I see, oh, I see a hand up.

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>> Greg Shatan for the record. First off, I'm not sure exactly what is meant by implicitly relativize the universality of human rights. But I think what we have, we have determined is that, what the bylaw itself states is that ICANN's obligations to got limits of what is required by applicable law. And if it is in fact in national legislation, then that's fine.

What they want is for this to go beyond applicable law and to respecting internationally recognized human rights whether or not they're embodied in law. And, now, I hope that some of the reasoning rather than just the conclusions can be shared with this group. As the conclusions are just basically undoing a lot of very careful discussions. And I think the reasons would need to be very persuasive as to why we got it wrong.

All this is saying, you got it wrong, I like it some different way. Which isn't going to be terribly persuasive to anyone. I understand this is only the highlights. And maybe the full comment actually says why this is what ICANN should be doing and why this is consistent with the bylaw; rather than an attempt to reopen, to spread is Bylaws wings wider than it should be, but without any attempt to persuade, it's just basically a rehash of some of the raw elements that went into our ultimately well cooked stew of consensus. Thanks.

>> MR. NIELS TEN OEVER: Thank you, Greg. With 8 minutes left on the call, let's see if we can also finish the next paragraph. For this very first glossary high level reading of the highlights.

The argument that the entirety of the UN guiding principles could not be cited as a reference point or source of guidance, for interpreting ICANN human rights core value is readily understood and accepted. Much of the text is concerned with the state responsibilities.

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However, it is very disappointing that there is no reference in the framework to the UN guiding principles despite direct applicability of key elements of the second pillar relating to corporate responsibilities. These relate, for example, to conduct of due diligence, ensuring transparency, the undertaking of impact assessments, instituting mechanisms for correcting negative impacts and generally integrating a culture of commitment to respect human rights throughout the organization. As such, they provide fundamental elements of universal best practice of for effective adherence to human rights and therefore merit direct reference in the framework of the interpretation.

Yeah, I think we've tried to exactly address this by taking all these parts that are exactly about implementation, into the implementation where we said that the UNGP might be the inspiration to do that work, not interpretation, because if we would do that, then it would lead to the chain responsibility problem.

It seems that the, carefully, the consensus on which we carefully arrive in the previous period did not satisfy the UK government. That is what the comments from the UK. Which will then need to take into consideration; with the risk that the consensus comes apart, which I think would be a shame at this time in the process.

So, let's have a look at the next paragraph before we end our call. Given the private sector led multi stakeholder constitution of ICANN there seems to be no inherent disruptive conflict or inconsistency created by reference to these elements in the universally accepted UN guiding principles. It is hoped therefore, that in the course of finalizing the framework of interpretation following the current public consultation, there will be further consideration of the applicability of those elements of corporate responsibility contained in the UN guiding principles on business and human rights and the value of their due reference cited in the final document as an instrument for all the SOs, and ACs. And

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GAC and their respective sub groups and constituency parts to take fully account in their strategies for implementing the human rights core value.

We can take that into account in further discussions.

With five minutes left, we can do one more.

Furthermore, if these UN guiding principles are not directly cross referenced in part by the framework of interpretation, it would be a lost opportunity for the ICANN community to be a global transnational beacon for advancing corporate respect for human rights.

I think the, the comments from the, from the UK government and the Brazilian government need further read. So I guess I will share them again as homework for the next meeting which is July 25th at 1900 UEC. And that's when we also discuss and study the final two individual submissions.

Here, I would like to thank everyone who committed a public comment, all of you for being on this call. I can stop to make it possible and excellent captioner for captioning our work. We also have people, everyone participate in this work.

Thanks so much for that, have a great evening. And from the IT. I wish you a great week. Bye all.

(Off the record).