Transcription ICANN Singapore
Human Rights and ICANN – Continuing the Conversation
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On page: http://gnso.icann.org/en/calendar/#feb

Niels ten Oever: So I would like to welcome everyone, both in remote participation and here in physical participation in the room to today's session on ICANN and ICANN's Corporate Responsibility to Respect Human Rights.

I am Niels ten Oever with Article 19, and together with Lee Hibbert of the Council of Europe we will be moderating this session.

We would like this to be a very interactive session, so always feel free to drop in.

The context of this session is that human rights have been brought up at several ICANN meetings. And here we would like to make the subject more tangible and make it more clear so that we really all know what we are talking about and try to tie this down in a constructive discussion, and hopefully also in a cross-community effort to take this further.

I'd like to point out shortly that in Article 4 of ICANN's Articles of Incorporation, it's stated that ICANN is there to respect international law. That could be an interesting tangent for discussion, as well as the reports that we've all produced of which there are physical copies at the door

Now with this I'd like to hand it over to Lee.

Lee Hibbert: Okay, thank you very much. Thank you very much to everybody for coming. I'm just going to walk you through the agenda for today's discussion.

It really is a cross-community work which is unfolding here. And I'm going to come to Rafik Dammak very soon to give us some more information about what's happening in the communities.

But I would just like you to know, we're going to start off with Rafik for some, you know, input about who has been contacted and, what's the feeling in the communities.

I understand that there's been discussions yesterday; today in other spaces and it really is, you know, unfolding before our eyes.

And then we're going to pass to Monika to my left - Monika who's going to give us a short presentation with the screenshots there, about human rights and what they really mean from a corporate responsibility point of view, and perhaps with regards to the UN resolution on that matter.

And then we're going to go very quickly to the main part of the discussion which is open - open discussion with you because this is cross-community. So I'd like that we discuss, you know, what does it really mean for the communities?

I mean how does it really overlay onto your work and how do you apply it and what does it mean for you. Not the theoretical stuff, but rather really its application here in ICANN.

And then that will be somewhat substantiative perhaps. We'll see. And then we will go towards the sort of next steps, the ways forward; the procedures which could trigger thereafter. And how do we go about just continuing this

conversation and structuring it and giving it more emphasis from now until ICANN 53. And actually what would happen with ICANN 53?

And that will be the chance to go towards a wrap-up from (Maria Mafiel) to sort of conclude with the discussions and what you've discussed and what you thought; where it's going, and to try to solidify this conversation and maybe perhaps something more.

So I really welcome your comments; your engagement. This is really your session so, thank you very much.

I'd like if that's okay, to - and Niels has mentioned remote participation. I really hope that we have (Stefania) here with us too - (Milan) who's going to be the moderator for that.

I really have this moderator - moderation and we can really have an online chat too.

So Rafik, can you tell us what's happening and what's the feeling in the communities? Thank you.

Rafik Dammak: Okay, thanks. Rafik Dammak speaking for the (unintelligible). So I think first what was tried to check with the different part of the community to see how they see the issue; what are the concerns or points of view.

I think there is diversity regarding how the parts of the community see the responsibility of ICANN regarding human rights.

But what I saw, there is an interest to start the dialogue to initiate this discussion and to work on that. So I think it's just a start. So we need to begin and to see what kind of issues that will be brought to the table; what are the concerns from the different groups.

I think I see some of the leaders like Michele Neylon from the Registrar; but also I see a Board member, Wolfgang Kleinwachter. And for example in our meeting yesterday, the (unintelligible) stakeholder group and Board meetings (unintelligible), but the issue of the human rights was brought.

And there was a discussion and it was my understanding that the GAC also discussed about human rights.

So we have - the communities are starting to talk about that. I mean it will be an ongoing discussion. And I mean yes, we are at the beginning, and this is a good opportunity to get input.

So I'm not sure what we can end up with, but at least we are having this dialogue now. And I see several people coming and if I confer to the first session in L.A., I think we have the proof of growing interest.

Lee Hibbert: Thank you Rafik that's very insightful. I know that the NCUC has been speaking about this, and other communities too. The GAC has also discussed it yesterday.

I guess we will come to those communities a bit later on. I'd really like some more information because, you know, we can't be all spaces at all times. So I'd really like to hear from the community about whether you have discussed this too. It's really for you. So, thank you very much Rafik.

I'm going to now pass to Monika to give a short presentation Monika about corporate responsibility to respect human rights, ICANN. Monika, please.

Monika Zalnieriute: Thank you so much Lee. I'm Monika. I work for the Center of Internet and Human Rights and I've been closely involved with Lee and Niels and the whole non-commercial constituency in trying to get this thing on the agenda.

And so I don't want to be - I don't want to take a lot of your time. I guess it's so much better if you discuss and engage. So I just briefly want to say that it's nothing revolutionary what we're trying to say because the idea that the same rights that people have offline, that they have on line.

It's nothing revolutionary, it just disregards the medium or whatever people use to communicate and exchange the ideas. And it was recently endorsed by the Human Rights Council that exactly the same rights that people have offline, they should have on line.

So, and how does it relate to ICANN, I guess just as Niels said, there is this Article 4 of the ICANN Articles of Incorporation which says that ICANN is bound to operate for the benefit of the Internet community as a whole, carrying out its activities in conformity with relevant principles of international law and applicable conventions and local law.

So this is the beginning point of the whole discussion that ICANN recognizes that this is important.

And I don't want to take a lot of time. I just want to say that the human rights is not something mysterious, it's just a simple moral principles or norms that describe certain standards of human behavior and they're commonly understood as fundamental rights to which a person is entitled simply because she or he is a human being. Nothing else.

And these rights are often expressed and guaranteed by law in forms of treaties, custom international law, or general principles and other sources of international law.

Now we can ask, what does ICANN have to do with that? The idea is that human rights' obligations bound the government, and as well they lay responsibility for corporations to act in certain ways or to refrain from certain acts in order to promote, protect and respect human rights.

So briefly I just want to say that this whole regime of human rights as we know it now, the contemporary one originated not that long ago in the aftermath of the Second World War in which the whole movement as you can see in the slides -- I don't want to read everything for you -- but it culminated with the adoption of universal declaration on human rights in Paris in 1994.

And this document inspired many other treaties and documents, signed by the countries around the world. Among them the International Covenant on Civil and Political Rights which is the main human rights treaty that has been ratified by (unintelligible).

So our approach here is to focus only on the rights initially that are recognized that has a wide recognition around the world, and not to focus on something that is regional or national, but rather something that has a very wide recognition and application.

So that's why we begin, and as you can see in the report by the ARTICLE 19, we begin only with the very classical third generation human rights which is the right to privacy and right to freedom of expression.

And as I say, we - the reason why we do this is we intend to focus on something that has global recognition.

What else do we have here? So the whole idea is not to say that somehow now there is this group of people who intend to argue that ICANN's mission needs to be extended, but rather just that human rights must be respected in the existing policies and operations. Not that we somehow intend to extend the whole mission of ICANN to respect and promote human rights. It's not about this.

And as I said, we searched for the consensus and focus on something that has a global focus. And having a distinction and drawing a distinction

between the public duty of the government to protect human rights and sort of private body's duty to respect human rights.

We make a difference here and we perhaps think that ICANN falls under the second one. And draw attention to the UN guiding principles from Business and Human Rights.

And especially the due diligence principle, who in short says that ICANN perhaps should weight the human rights impact of its policies and procedures, develop certain strategies to ensure that staff and other stakeholders understand this impact, and develop and articulate human rights policy to make sure that all employees and other stakeholders involved know and understand and implement it. And develop certain metrics to monitor ICANN's human rights performance.

So I guess I leave the floor here and I hope that this will sparkle come discussion. So I give the word back to Lee and Niels now.

Niels ten Oever: Thank you very much for that short and concise presentation Monika. And now I'd like to go over to some of the people from the different constituencies to her and understand how they see and feel that human rights impact that work.

And with that I would first like to go to Michele.

Michele Neylon: Michele Neylon for the record. Good morning. Where does one begin? As a Registrar I find this entire thing to be excruciatingly painful.

To be perfectly frank, ICAN has done a very, very poor job in respecting local law by making it tortuous for a Registrar or a Registry to comply with national law and to comply with both ICANN policy and ICANN contracts.

Registrars, under the 2013 RAA are expected to collect quite a bit of information during a registration of a domain name. There are contractual obligations involved with the escrow of the data of registrations which ICANN is only making available to us via a U.S. entity. There was no way to escrow the data within the European Union which is quite problematic.

Collection of data is one thing. The display of data is another of course. And you know, there are subtle yet very important differences between the two things when we're talking about (unintelligible).

ICANN does have a wonderful -- and for the transcript I'm being incredibly sarcastic -- wonderful policy for requesting exemptions on who is displayed.

The policy is so fantastic and so efficient, but not one Registrar has successfully done it to users because essentially you need to be either involved in litigation or defending yourself from your DPA or something like that to be able to trigger it, which is ridiculous.

The exemption process around data retention has been -- I'm trying to think of a diplomatic word. Let's just say, I'll go with dysfunctional. Dysfunctional, painful, expensive. These are words I think of.

I'm not sure how many Registrars within the European Union have managed to get through the entire process, but I think at one stage there were about 20 of us stuck in there.

Of course ICANN does a very good job of protecting its own public perception by not providing any real transparency until such time as they've decided that the request has almost gone through. They don't tell anybody that the request exists. Just like, oh look here's a request from Company X. And then they say that the request is okay.

So it's like oh, that only took two or three weeks, where the reality is the request has been stuck inside ICANN's Legal Department for the previous six months or longer. So it is dysfunctional. It is messy, it is painful.

For those of us on the front lines as it were, it's a matter of serious concern. I mean we - prior to this meeting I received an email from the ICANN Board to go to meet with them on Sunday morning, and so did other Chairs. It wasn't just me.

And that's why I asked our members, you know, what were the matters that they wanted me to raise with them. And every single European Registrar who responded to that email had one thing in common. It was all around matters of data privacy.

And you know the thing is you know, this is an area where I think the focus on the world is getting higher and higher. I mean there was a huge data breach in the U.S. involving a healthcare company since we got here to Singapore.

If I have - if I don't have data then I cannot disclose it or lose it or leak it. But if you're expecting me to collect it then you're increasing the likelihood of it escaping into the wild if something happens. Because invariably, something will happen. Thanks.

Niels ten Oever: Thank you very much Michele for that contribution. I'd like to now move ahead to Patrik Falstrom of the SSAC in here about the effect of human rights on his work.

Patrik Falstrom: Thank you very much. Let me start by saying that the statement I'm going to or what I'm going to talk about is not on behalf of SSAC. It is myself and based on the work that I've been doing year and year, so related to CSR issues.

Because I think it's really, really important to separate human rights, which is something that states are bound by with the - with sort of the agreements between them that is hosted under the United Nations. That's a very special framework for states.

On the other hand we do have various CSR interpretations that have been done by various organizations including the UN. But there are also others that talk about the interpretation of - or sort of best current practices which are normally used in the (unintelligible) and the Internet arena that talk about how we as the community, do things that a good, behaving company should behave because in the market economy where market economy forces are supposed to create a good platform for innovation and competition and all of those nice words, we also have norms in this society.

We cannot only say that we are allowed to do everything that is not illegal. We have to follow those norms. And in a global society, like with the Internet, we of course get a lot of stress because the norms are different. Not only legislations are different, cultures are different.

So of course we need some kind of interpretation. And because of this I think personally that something - some kind of interpretation or some kind of guidelines for ICANN is something that is a good thing to develop, in for example, a cross-constituency working group; cross-community working group that we are currently talking about, because the ICANN environment is indeed very special.

It is global. It requires very high level of harmonization of actions of non-actions all over the world, across cultures, across areas where you have different norms; where you have different legislation.

And indeed we do have members of GAC that actually are a state which are bound by the human rights.

And on top of that we have both policies that we are developing that some parties are following. For example the Non-Contracted Parties, the ccTLDs. And then we have like Michele just explained, the Contracted Parties which are bound by specific contracts which can explain very, very detailed, what is to be done.

So it is indeed a very complex situation. And I see many other people around this table. And yes, I'm looking at you Wolfgang, that have been working on this issue related to everything that is related to CSR and human rights related issues on the Internet.

So I don't think we need - I think we all agree that it is a complicated area. But just because of that, I think that work on this and come out with guidelines for ICANN is something CSR guidelines for ICANN. And I really would like to use that terminology -- CRS guidelines for ICANN -- as a corporate corporation, and guidelines for the community. Both of those might be very good to do.

Niels ten Oever: Thank you very much for that very concrete contribution from Patrik. I would now like to go over to Olivier from ALAC.

Olivier Crepin-LeBlond: Yes, thank you very much. Olivier Crepin-LeBlond, ALAC Vice-Chair now. Thanks first for inviting to join you and, I'm sorry I arrived a little bit late.

So I missed the majority of the communications so, I might be speaking completely out of context, but I'll try and focus on a couple of points.

The At-Large Community is in ICANN effectively trying to - we can't represent but we act in the best interest of the Internet end users. We're not composers of just simple society organizations, but we also have some universities, some commercial organizations that provide Internet services to communities.

The strong component part of At-Large is to have a strong link with end users. And as such, end users are not - well have a slightly different view sometimes about human rights, depending on where they are based in the world. We cover all of the world's countries or the majority of the world's countries.

And when one is supposed to bring forward the point of view of our end users, we have to exercise some moderation with regards to what we say, due to the local component part of what our end users really need.

Some of our users are for very strong, Who Is, records. Others are a little bit more lenient on this and emphasize more privacy.

And so the ALAC point of view, as far as a database is a multiple number of databases that we see with ICANN. As we know, every gTLD, ccTLD, etcetera; all the domains have these, Who Is, records worldwide.

The point of view there has been that we want to have strong, Who Is, records, but at the same time also strong privacy and proxy services so that the freedom of speech, etcetera is not something that is then cut or somehow destroyed by having Who Is, records that enable people to be put in jail and things when they're basically trying to have democracy in their environment.

There's been a big concern in our community regarding data protection. Many of the databases are based in the United States where data protection laws are not as strong as in other parts of the world.

And so, especially for our European members, this has been a real issue. And certainly an issue with registrant data being sold or used for marketing purposes which they were absolutely not aware of to start with.

And then once the data is sold, it's very difficult to get it unsold or to take it off the Ether again.

And of course since we have direct links with end users, we're the first ones to receive the complaints. We send them over to the Compliance Department. Most of the time they just get a few months wasted and don't get very much feedback at the end. But that's been quite a frustrating experience on our part.

The other thing is with regards to this human rights issue, the ALAC hasn't taken a front seat - you'll have noticed, we haven't taken a front seat in the organization of this. A couple of reasons.

First, we're very stretched as you know, with all of the other things that are happening at ICANN, but also because some of our members are based in countries that are not actually very good on human rights records. And the concern -- and we've actually had some feedback from these structures -- that if they are part of an organization that takes a stance that will really put their own government in a bad light, they might actually suffer locally for this.

So we've tried to keep out of any direct, if you want, very visible action as such. But there certainly is support within our community for this and for this whole program. But it's just one of these things, we have to do things in moderation.

I hope I haven't confused you more than five minutes ago. But if you have any questions, of course I can...

Niels ten Oever: No, that was excellent Olivier. Thank you very much. And I think we're slowly starting to see some convergence already that we need clear guidelines for the future proofing of ICANN's work and the protection of users and the balancing of rights.

But there are several more people that are I think, eager to speak and would be very interesting to have. But I would definitely also like to open up the queue for other people that would like to chip in.

So I would like - I'll start the queue with Bill Drake of NCUC. And then I'll also hope that I can draft Wolfgang Kleinwachter to the queue as well.

Bill Drake: Thank you Niels. Good morning. I'm very sensitive to what Olivier just said about the position of members. And obviously NCUC has I think, two-thirds of its members outside North America, and many of them are I developing countries and countries where relationships with government can be dicey.

That said, I would also think that if we calibrate this properly, and if the framing is not one of kind of aggressive accusational or anything else, it's simply sort of saying, you know, that we're talking about adding into the standards for the valuation of policy, outputs, and processes, recognition of internally accepted legal norms having to do with things like privacy and expression.

And that that is a joint position of a larger community of which they happen to simply be part of. Adopted in a sort of, you know, rough consensual sort of way, etcetera.

I would think that there ought to be enough political cover there and that one would hope that they could explain if asked. I mean if anybody is doing the kinds of human rights work or other advocacy in their countries that could put them in a dicey position with governments any way, they probably have larger issues than whether or not ICANN incorporates into its standard practices a practice of saying, well is what we're doing here consistent with the international recognized norms having to do with privacy, for example.

I mean you know I would think that that would be almost sort of secondary. But I do recognize the point and I think it's something to try to work with those

members to say how could we - how can we help you to enhance your comfort level and give you the kind of cover that you would need without, you know, putting at large the position where you can't endorse something that is obviously in our collective interests.

Olivier Crepin-LeBlond: Yes, thanks Bill. Olivier here speaking. So it's interesting because when sitting in this room, of course we could think, well of course it's a given. It goes without saying, of course we have to embrace human rights. And we all think that it's an easy thing to do.

I also had the -- I don't know if it was the chance or bad luck -- to be sitting in the room in Dubai in 2012 at the World Conference on International Telecommunications, the WCIT. And there was one line to be added. Human rights should be - the whole agreement should go under human rights.

I think it was pretty much a given. Oh no, of course not. It's actually what initially triggered the really bad blood in the whole thing that got the whole conference to collapse with so many countries not actually signing.

And it was absolutely absurd to hear the points that countries - some countries were saying, oh well if you are going to have human rights you need to have country rights as well. You need to - and the right of countries, I'm not quite sure what that is.

But you know, so in some jurisdictions this is a very, very touchy issue. And what we've tried to do is to really concentrate on the technical side of things and try sort of keep out of the politics. Because it certainly, in some places, human rights turned into a very political item.

And that's why it's been a little bit difficult for us to fully push forward on this. Thank you.

Niels ten Oever: I see there is a direct reaction there that I would like to give over
                     (unintelligible).

Holly Raiche: Just to back up what Olivier said, a member of ALAC, I think it was probably
                     two or three meetings ago, and I won't really raise for the transcript.

Niels ten Oever: Pardon me. For the remote participants, could you please state your name?

Holly Raiche: Holly Raiche with the ALAC Executive. To back up what Olivier said, I won't
                     mention the meeting but, not that many meetings ago, one of our members
                     spoke fairly openly about a particular policy in a government whose capital
                     isn't that far from here. And it was a very interesting talk and I took notes.

                     You would say that there's no problem except that the next time that the
                     ICANN meeting was scheduled, she wound up with two security people
                     knocking on her door saying, and what do you intend to say at this ICANN
                     meeting.

                     So it is a real threat. Please take it seriously.

Niels ten Oever: Thank you very much for that. Rafik would like to respond.

Rafik Dammak: As someone who lives in a (unintelligible) regime in a time of my life, I
                     sympathize with this. But just to clarify, I don't think we are asking ICANN to
                     be an advocate for human rights, just to be responsible and to respect what is
                     in international laws.

                     So the (unintelligible) to be involved in Internet governance. That happened
                     to me also when I joined in my first IGF. So we not only said, nobody is I
                     mean, asking that we do an advocacy or ICANN becomes a champion of
                     human rights. It's not its role.

So I think we need to frame the discussion here, I mean, to back again track. And we try to - we not only resolve this issue and to be careful; I understand that. It also had the issue as how also ICANN is engaging with many of those (unintelligible) regime itself.

I mean is that the question hard to answer, but we are not doing advocacy here, just that ICANN respect international laws that are existing.

And at least, you know, things can change. I'm Tunisia and I know Internet (unintelligible). Tunisia was not a free country but, things change and when given the funny thing Olivier mentioned about the week, is Tunisia which proposed the resolution about human rights and so on for the week. So, things can change.

Man: (Unintelligible) from Sudan. And everywhere I said, I'm from Sudan everyone just get like that and concentrate for. Everyone knows that there are a lot of problems with human rights in Sudan. People face a lot of things, but things ICANN say they allow.

But when we are talking about ICANN we - there we have a lot of problems from ICANN is not really go with the international laws when you talk about the Court with U.S. laws, not international law. And that makes problems for us in Sudan you know, that we are in embargo and such.

So I have a lot of problems to even attend ICANN. Olivier have known my study about this. And to get support, even when we apply for the domain right for Sudan, we have to wait one year so that ICANN can start to talk to us.

Why? Because they need our license for (unintelligible) to talk - just to talk. And that's a very strange issue.

So it's not about just privacy; who is (unintelligible), it's about as I said from beginning. We don't have Sudan's people in meetings between the

government and the laws and such from this. This is about the Internet - applicable Internet. Sometimes they get disconnected because of the government. Sometimes they - how many times they cannot (unintelligible) because it's embargoes. They cannot (unintelligible).

This is not how (unintelligible). Many of the (unintelligible) sites like Google, and of course others are not (unintelligible) we cannot do it for Sudan.

Even with people from there we cannot - have attended now or maybe about six ICANNs. This is the first time I get support from the ICANN. And in fact I get supported many times, but it's tough and sometimes no, we cannot do it for you because you are from Sudan. And that's our problem.

So Olivier, when he talked about country's rights, I'm sitting here, we have also this thing about a country's rights or about people from some countries rights or something like that. And that's all I want to say. Thank you.

Niels ten Oever: No, that's very valuable and very useful contribution to the discussion. Thank you very much.

If you don't mind Olivier, to add more voices to the discussion, I'd like to add Wolfgang.

Wolfgang Kleinwachter: Wolfgang Kleinwachter, ICANN Board. I'm here first of all to listen. And so I think the really very welcomed initiative is organized in a way here in this team. I think it's extremely useful because you have here people from various different constituencies, advisory committees, supporting organizations and it became clear to touch - to sign, that this issue - this human rights issue is not just an issue pushed forward by one single group.

But this is based in the various constituencies of ICANN. So I think this cross-constituency approach is a good example for what ICANN stands for, for what not processes that it needs to have to start on the part if somebody has

to initiate this, then you have to start from the bottom and then, you know, let's see what the community will produce.

So I think this is my first point. Very encouraging and great satisfaction you know, just how this started.

Number two is more on substance. As Olivier has said, it was complex but the interesting point here is that we have entities. The study has made this clear. We have in our legal documents as ICANN, we have a reference to human rights. So it's not something new which comes to ICANN. This was in the very early beginning, even if there weren't human rights it didn't appear.

But in Article 4 of the Articles of Corporation it says, ICANN has to operate in the frame of international convention. And this includes international convention on trademarks, international convention on security issues, and Internet convention on human rights.

So the missing point for many years was there was no awareness. There was not awareness about trademark, but there was not so much awareness about human rights.

But a group of people have raised this always, including the ALAC and the NCUC, the right of freedom of expression and privacy is involved. But I think now we have reached a new dimension and I am very thankful for this recommendation too, in particular, and to report from A RTICLE 19 which looks for more activities to create awareness.

So and I think this is the best thing what we could do at the moment to - that people understand better, what does it mean.

And I'm also very thankful what Rafik has said. You know ICANN is an organization for names and numbers. It has a very limited technical function.

And we would probably risk that this functioning works well also in the future, if we start to politicize this function.

But on the other hand it is absolutely clear that all policies around the implementation of this function, had to respect human rights. And so far we have to have something like a watchdog or to see if a decision is made, will this be in conflict with human rights.

Yesterday in the meeting with the NCUC, I said ICANN has no right to violate trademarks, but it has also no right to violate human rights. So whatever ICANN is doing, it has to be in the framework of this convention.

And ICANN is aware that I see nobody in the Board who is against this. So I think there's full consensus. And Fadi, the CO had made this clear yesterday over in his consultation.

And the very final point to Michele, because you had very concrete case, my question to you is, I see there are two elements. One is the substantial element with the privacy and the conflicts between American and European law. And the other one is the procedure and ICANN staff managed this.

So that means just that I got it right. So your criticism went in both directions. It was a problem which was not - which is a little bit outside ICANN. It would be managed by the governments that (unintelligible) better advice than what they did.

But the other thing is the procedural issue for the ICANN staff and I take this message from you and will transfer this matter to ICANN. Thank you.

Niels ten Oever: Thank you very much Wolfgang. I'd like to go to Kathy Kleinman right now. And I see that (John Sechshehale) or Kathy. There we go Kathy.

Kathy Kleinman: Kathy Kleinman, Commercial Stakeholder Group. First I apologize for being late to this very important meeting. We were coming out of the Proxy Privacy Accreditation working group. What we're talking about here has great relevance to there.

In following up with Wolfgang, I think there are ways we can use human rights issues in a concrete way in the policymaking process in ICANN. And I'd like to urge some practical application of what we're talking about.

In addition to education and awareness, let's build in a human rights screen to the process. We've had a rights protection mechanism screen on certain types of issues - trademark issues. We always look at the intellectual property implications of certain types of issues.

Every time we do that we should be looking at the human rights implications as well. It should be at the level of the issues report, of the draft working group report, or the final working group report, and of the Board review prior to the Board resolution and/or adoption.

Particular aspects of the human rights that we've talked about and you know, that have been talked about already - freedom of expression, fair use, the basic use of generic words by everyone, privacy, freedom of association, due process, and we've been hearing about access.

So these types had to build this into our process of policy review. And to have it would then have the staff including it in the initial evaluation that becomes the usage report, and have that screen evaluation at every level.

And that's where I think we should be going with this, not just leaving it to certain stakeholder groups to advocate, but building it into the process. Thank you.

Niels ten Oever: Thank you very much for this Kathy. And here we've got more - yes please, come on. Please state your name and the...

(Cederic Bond):   Hi, I'm (Cederic Bond). I am a first-time Fellow to the ICANN and also a journalist from Pakistan.

I have been struggling throughout, whenever this issue for human rights comes up, what we see is if I were to broadly look at my region -- and we were having this discussion in the Middle Eastern Regional Committee as well -- that some of the problems; some of the collisions with Internet related scenarios in our part of the world have to do with the Blasphemy Law, which unfortunately or fortunately does come under the human rights domain.

How is the international community responding to it? Because somehow in this part of the region we see that the governments have come up with a system of how and what they deem is the appropriate freedom of expression.

But on the Internet you can't really have those kind of editorial controls. For example, as a journalist in Pakistan, what goes on TV, what goes in print, we have some checks and balances.

But we've seen bloggers and digital journalists get into a lot of trouble with governments just because there is nothing that defines it. And more or less there's a lot of knee-jerk reaction to it as well.

Like in Pakistan for the last 2-1/2 years, they've blocked all access to YouTube. And I feel that there has to be a better or closer coordination when it comes to policymaking and the Internet governance.

Unfortunately, the IT departments; the IT ministries that the governments have, they're only focused on the revenue side of it. Like earlier this year in Pakistan we had the 3G, 4G licenses going out. And to the government all they cared about was how the revenue is coming in.

The human rights element is missing, not just at the government level; at the ICANN level. But also as a society we haven't really grasped it. So how do we see a way to move forward with it because again, within human rights, you will have many layers and you will have many factions?

So what is our core focus area? Should we go about an annual or yearly focus area that we can then perhaps build up towards it. They have to be a road map right? Thank you.

Lee Hibbert: Thank you very much for that important case. I'd like to shortly frame it that there are different levels of responsibility and countries have those. And ICANN should respect human rights. And is not obliged to protect them. So it's about to respect human rights in their own policies and procedure. And that's what we're aiming to talk about.

But it would be - it might be hard to have ICANN be an advocate for pushing - holding countries to account because that might confuse roles and responsibilities.

(Anna): My name is (Anna). I'm also a (travel) newcomer so my question might be a bit elementary but I'll try to make it sophisticated. Anyway, so first of all I want to say that I cannot agree more with (Rose Canyanrofik) saying that I can (shouldn't) become a human rights advocacy body. I think it's just have to become more responsible in respecting of human rights. Because otherwise I think it's going to raise and cause more criticism towards ICANN.

But besides that my question is that if there is a human rights issue regarding let's take nudity or this - like we had a case with Amazon; or for example my country. I come from Georgia and I spent two minutes explaining that I don't come from State Georgia. There is an ocean on both Georgia and there is some kind of a human rights issue for example State Georgia has more

money and is more privileged to get this domain than the country Georgia which is much limited in budget.

So there is a conflict. Who in ICANN is responsible for solving this human rights issue? Is it (bored)? And another question about this is ombudsman dealing only with internal conflicts like between different bodies in ICANN or can this kind of human rights issues be delegated to ombudsman so that he deals - or she deals it with this. So I'm - yes.

Lee Hibbert: I think we're very privileged to also have the ombudsman here. So your question to him was whether this would be a thing for him to do as well. So maybe we could ask the ombudsman if he could shortly respond to it.

(Mikaly): (Mikaly) for the record is actually not an ombudsman issue. Dot Georgia, dot Ireland, dot Singapore, dot Kuwait - they're all countries. So you can't apply for them. You can't have applied for them as a new TLD. There were a couple of applicants who did apply for country names as new TLDs and they were rejected out of hand.

Now if you - I think the (edge) case would be if you were to apply for say I don't know what I'm thinking - if you were to apply for the country name in some - in a third party language. So if I was to apply for say, I don't know, dot Ireland in Chinese or something like that then that would be more problematic.

If you were to apply for dot Georgian like somebody applied for dot Irish, the Irish government has no standing in that because they can't get involved in that kind of query. Now it depends, I mean you might have been using that just as an example. So, you know, it could be something else where the ombudsman might need to get involved. But on that specific point unless I misunderstood it, you wouldn't have been able to apply for the TLD to begin with; would have been rejected.

Lee Hibbert: Thank you very much (Mikaly). We are coming to our last half an hour so I'd like to shortly move to sort of more towards protest and next steps. And I'd like perhaps to secure (Maralia) to speak if she wants another. But I think some of the discussions and also to (Chris) as well.

I'd like to also (queue) people in the audience if you'd like to speak now. We've got people from the business community in the audience I see. And also you've touched upon issues regarding the GAC. The GAC has been discussing these issues recently.

So if anybody from the GAC wants to talk - I know there's been a very positive discussion about this issue. So I'd like to hear from someone there if possible. I'm looking at certain people.

And also there's also been discussion about communities. And the important communities and community applications for new TLDs are also very important. I'm looking at someone in the audience there too.

So there are many people - we have half an hour left. I would really like to have - and we also have maybe have people on remote so I don't know (Stephania) if there's anybody on remote.

How many people are on remote now? Just...

(Stephania): About 20.

Lee Hibbert: Twenty. Okay.

(Stephania): (Unintelligible).

Lee Hibbert: Yes.

(Stephania): We have over 20 people participating remotely including (Lenora) the VP for - I forget exactly what it is - Public Interest, thank you.

Lee Hibbert: Okay great. Well welcome and thank you very much for staying online. We really need to move on so who wants to come forward? I've prompted some people. I hope that they can speak. We'll start with Chris please, thank you but briefly, thank you.

Chris Lawhead: Yes thanks, Chris Lawhead for the record, ICANN Ombudsman. Unfortunately I've got a station where I'm presenting on reconsideration ombudsman in a few minutes. So I'll be very brief. And that is to say that my thinking of human rights within ICANN is that it should be part into the accountability function. When you think about human rights you have to say you're accountable for complying with well-recognized international standards.

And therefore you have to slot it in to whichever ICANN functions are appropriate. And one of the roles that I have as the ombudsman is to look at how what they call in my bylaw diversity issues; which I think it what they used in 2003 when they framed the bylaw to mean reflecting the portion in the articles and in the bylaw talking about respecting human rights.

So I'm interested in it because within the ICANN community I do have that function of ensuring respect for human rights. And I'm very anxious for the community to think about that in the context of what I do as the ombudsman in taking direction. I don't think it's my function to say what I think I should do. I really want the community to think about what they want the ombudsman to do.

And I'm happy to share that and discuss it. And thank you for the opportunity and the invitation to be here. And I must go.

Lee Hibbert: Thank you very much Chris. I can see - let's go for more diversity now. We have someone from the GAC...

Man: (Unintelligible).

Lee Hibbert: Oh, someone...

Man: ...audience (unintelligible).

Lee Hibbert: Oh sorry, excuse me. Who's in the audience? Yes, please sir and then we go to Jorge Cancio from Switzerland please. Thank you.

(Mikko Momen):   My name's (Mikko Momen). I'm from the University of Cologne and I'm also part of the (Reb Inscription Ration Panel) for (IDANS) and of (TSA IDN) but I'm speaking more on my own behalf here.

                 I was reading this paper you were passing out here on freedom of expression. And I think there's a high level of freedom of expression which is not exactly recognized in this paper. And this is actually about the characters which are eligible for use - TLDs - because there's a process for that. So right now there's an (IDN) process in which characters are being chosen on which to - sorry...

Lee Hibbert: You're trying - just maybe you could think of the mike, crank it up the stand or something.

(Mikko Momen):   (Unintelligible) sorry.

                 So there is a process on how to formulate (IDN)s. And within that process generation panels form for different scripts to choose code points that is characters which are eligible for use in (IDN)s. Now for that there is a process which was called P2.1 (LGR) process for the (root) zone which explains how to do that. Within that process there are certain thresholds for consideration

of languages to be eligible for - well let's say representational or inclusion within that set.

So that means there is the integration panel which defines the (MSR) the Maximum (Start of Repertoire). And there's a threshold on an international scale which is called expendable intergenerational (unintelligible) which basically (rents) languages from what they have called the youth in society; and has categorized them.

So like one would be international language and like thirteen would be a deceased language. And there's a threshold which says that a language must have a status of at least four or five to be eligible for inclusion.

Now the problem is that such statistics on languages really are based on historical processes and certain considerations. So as I was trying to explain in a presentation I was giving at the last ICANN meeting in Los Angeles, languages are evaluated by people and assigned states; and are regulated by governments in forms of language policies; so all of these are reflected in these statistics.

And these statistics do not necessarily reflect linguistic reality. And we for example as working group have already run into conflict with these rules where we wanted to include code points based on what we consider current and proper use of languages in writing.

But because these languages did not fulfil the necessary criteria on that scale those code points were not eligible for integration into the (rebic LGR). And I think there's a problem in the process because the rules of that process have basically been set before community-based groups and generation panels were able to conduct their analysis of certain sets of characters.

So it is a problem I believe of freedom of expression. But at a higher level because of the fact which characters actually can be used to write to (man)

labels. And I think this is something which really wasn't considered that much. Thank you very much.

Lee Hibbert: Thank you very much. I like this discussion more and more. It's getting very layered. It's about access; it's about linguistics, diversity. I really appreciate the adversity of the discussion here. It's really pleasant to hear not just about freedom of expression or privacy issues.

I would like to, if I may (Mikhail), after just - first of all Jorge Cancio from Switzerland who is also a member of the GAC and then we'll pass to (Mikhail) please, thank you.

Jorge Cancio: Hello thank you for pointing before at me (morally). And I've been - well I'm Jorge Cancio and I'm working for Swiss delegation...

Lee Hibbert: Would you be please be close to mike, thank you.

Jorge Cancio: ...Swiss delegation at the GAC. And I'll talk of course only in my personal capacity because as you know the GAC and I'll have to run out there. We will have to write our communiqué and negotiate it and see how we find a common wording on what we discussed, what are the conclusions on human rights.

But my personal perception is that we had a very good discussion. That was a lot of common ground and many of the things that have been said here like taking a more systematic approach and vetting the adoration of ICANN policies also around the human rights and international law perspective. All this was shared in the discussions in the GAC.

And more or less common ground was to participate in this process of our community and also to launch some sort of process within the GAC. So I think this shows that there's shared views among many different stakeholders.

And as to the adoration and this is what a couple of delegations said in this open meeting of the GAC; which was also put forward by our Swiss delegation, that for instance very interesting policy development which has been on the first round of the new gTLD expansion with benefits probably from part of emulation or a set of (everation) which focused also on human rights specifically.

And that's more or less what I can share with you. Thank you.

Lee Hibbert: Thank you very much Jorge. (Mikhail) please. And then I'd really like to then move from substantive issues perhaps to a way forward of we have Patrick and maybe someone from the community over there I see as well. So (Mikhail) please. Thank you.

(Mikhail Nebedes):   (Mikhail Nebedes), (International) Foundation, Russia, member of the (glutch). But I'm thinking relative to protection of human rights, mechanisms, procedures. Laws, yes, but at higher level. Procedures - what is conflict? What is bridge of human rights? Something happened and no procedure. Some different interests and no procedure to solve this problem.

One example we know from the first of February all business is (unintelligible) the United States legislation where to finish their business relative to the Territory of Crimea. It's okay. It's a decision of the United States government.

But one small detail. Two registries, at least two, know that they and to 101 Domains, finished with the services of their customers of the Territory of the Crimea. It's 2000 domains. They erased information from database, not all of them but part of them removed from GoDaddy and 101. So and no procedure ICANN to help end user to protect their domains in such case.

It's very simple. It's not (unintelligible) it's a problem. And if we think proactively we must try to understand what can be happened and to have a

procedure. So I think - maybe not, maybe not (minute to right) but in any case if something happen - if it's only an example it can be something different to different country, different government, different solutions. But in any case we are ought to think proactively. We are to think about possible problems, possible conflicts and to have some procedures not to think at the time; to have it. Thank you.

Lee Hibbert: Thank you very much (Mikhail), very pertinent comment in there. Patrick Falstrom please.

Patrick Falstrom: Yes (athing) and thank you very much. Patrick Falstrom and this time I speak on behalf - as chair of FSAC. I think we've heard a lot of examples of things that might be or might not be something that fall under what could be used as (CSRA), (CS) related to ICANN or otherwise under Articles 4 of the Articles of Organization of ICANN.

But if we are here to really create a cross-country (contingent) of where can we work on these issues there are a couple of very formal steps we are have to go through. And to go on (this type) don't really know how we are going to finish that at this time, given at the time of the meeting we all know (where) you're running out.

So I encourage people to please talk about what we are going to talk about instead of continuing to give examples of issues that we already know about. Thank you.

Lee Hibbert: All right, thank you Patrick. It's time for that movement. So next steps - ways forward. It's quite clear. I think there's quite a lot of movement towards - have to move forward to ICANN 53 Stephanie Perrin but I also have (Andre Jacksail) so ladies first.

Stephanie Perrin: Thanks very much. Stephanie Perrin for the record. Following up on what Patrick just said, I think there has been a suggestion that a Cross Community

Working Group ought to be set up if there's sufficient interest. It sounds like there might be sufficient interest.

Now the question is what would that Cross Community Working Group do? And I would suggest that because of the nature of this discussion and the requirement that ICANN, in my view at least - my personal view, stick to its knitting and figure out where its (remit) is.

What we really need to do is focus on instruments that would help us assess the human rights implications of what we're doing. I think Kathy Kleinman has already mentioned this. And I've said this before and I'll probably say it many times again. Many democracies have a regulatory impact assessment instrument that the use or a variant thereof. Certainly in Canada that regulatory impact assessment includes an assessment of the human rights.

Most of the stuff that we've already ensconced in domestic law but other aspects of human rights as well. That's a kind of a tool, an instrument that a Cross Community Working Group in my view could develop. That's kind of a low-hanging fruit item. And this is a big issue. Let's go for something achievable in that Cross Community Working Group that would help us understand this issue better.

Secondly the whole issue of education and awareness of human rights has been brought up. I think that that is something that a Cross Community Working Group could at least measure and address. I don't know what the metrics are for that but I would be willing to bet it's something that there might be some interest in the ICANN academy to address in their basic training piece because you can't really have a good discussion if you're not all on the same level in terms of awareness.

So I think that's another thing that Community Working Group might want to look at.

And my third point and again it's a personal view, we often see this tension between law enforcement and human rights, as if the two things were opposed to one another. Firstly, as a privacy person enforcement of data protection law is law enforcement as far as I'm concerned. And secondly, folks who argue for privacy are not against criminal law enforcement, far from it. You know, especially if it's identity theft and scamming the way it is.

The question is how ICANN does this in the context of their rule of law which is a human right, right? So I think that's an important issue that also could be examined in the context of a Cross Community Working Group. Thanks.

Lee Hibbert: Thank you Stephanie and pragmatic response there. (Andre Jacksail) from the ICANN staff, apologies I didn't see before but some insight onto the way forward perhaps? Some pragmatic responses please, thanks.

(Andre Jacksail): Thank you very much Lee and actually I want to start with thanks that you allow me to (unintelligible) Europe actually in the first place because, you know, you've been very instrumental in all this discussion and actually it's thanks to you that we author of the report is actually in with us in the ICANN meetings so thanks for helping her get here.

And also I think it's a useful background for everyone that the Counselor of Europe producing to pass some really excellent guidelines that it actually developed in partnership with other stakeholders in terms of the applicability or implementation of existing laws or in this case European Convention Human Right.

For instance when it comes to Internet service providers, application developers, game developers and these are extremely valuable tools because as I think has been mentioned before, one of the key issues is not that we don't have legislation it's that one needs to understand how best it applied in reality frankly.

So I think that's been - that's a ready background and experience of the Counselor of Europe in how to do this. So thanks again for your work on that. Not going to comment on the report because it's very tempting to go into a critique and we could all be here for hours, it would be really fun but we don't have time.

So I think there's been some really concrete ideas in terms of proceeding and, you know, so what we'll need to do - we can come back to you all if you want with, you know, I mean some of you know exactly the process already. But we can outline it for you. But the next step would be to basically worth on the charters; to drop the charter, you know, effective in terms of reference for special working group.

And then, you know, for the interested parties to participate in drafting that charter. That would be done to sort of next step. I'd be more than happy to liaise with those of you who are interested to (unintelligible) exact process. We can do that very quickly.

I think just thinking more broadly about this year's, you know, I feel quite privileged actually to be what's worth trying I guess (that's to me) and to be a part of this community because we're one of the very, very few setups internationally where we can actually have those sorts of discussions and we can benefit from having a community like this. And while we have people that can and not just bring up these issues when issued but actually work on the policy and impact it.

Part of that in the interest of (unintelligible) part of inspirations is that I think frankly we need to have involvement by (serious) society in particular. And I think we need to reach out to (serious) society.

For instance one of the things that we've already discussed informally is could we work with the Counselor of Europe in reaching out to the Internet

worker, (NGO)s and try to (sensivitize) them to some of the issues and also about some of the participation that they can have.

You know, frankly, you know, here at ICANN we've got multi-stakeholder model and you don't have to just purchase reports. You can actually be here around the table commenting on policy, initiating policy, changing policy, introducing raising revenue points and making sure that policies are balanced.

It is quite unique. We should be proud of that and we should actually make it work. So if you can all help us in trying to reach out to the (broader) (CS) community to, you know, frankly increase the numbers that would be great.

So that's a sort of, you know, aside from the substantive work , a really useful work for the long term will be to bring in more actors I the discussion.

Final point, just a very much, just in relation to the daytime attention waiver (Mikaly) knows that. He's - we've had a very quick chat about this before, not even in the context of human rights as such. And you're being heard and it will be taken forward, I promise you. We will someday else somehow because they've - I'm not saying it's going to be easy but it needs to be streamlined. So thanks for that.

Lee Hibbert: Thank you very much (Andre), very clear. We are coming towards the last 15 minutes. So next steps, pragmatic steps forward. Some of you mentioned them. I'm looking a little bit - (Maralia) - I don't know whether you have things to say. You will make some concluding remarks. Olivier, maybe we'll get to Olivier and then anybody, (Mikaly) please, thank you.

Olivier Crepin-LeBlond: Okay thank you very much. Olivier Crepin-LeBlond speaking. So one of the obvious next steps would be to create some formal Cross Community Working Group; or some structure for the whole community to be able to take part and to register into, etc.

One of the concerns that we've had and I'm just sharing, I'm not going to try and influence in one way of another, but one of the concerns that we've had and I think Rafik Dammak and I will agree on this one is that the creation of a Cross Community Working Group is pretty heavy-handed affair.

It starts as an easy thing, "Oh, yes, let's just do a quick charter." But there's no such thing as a quick charter. The charter becomes a heavy charter and a long charter and a slow charter. And then you send it to the SONAC chairs and as you know they're busy with a few other topics. And it takes a week, two weeks, three weeks, a month, two months, three months and you end up spending six months to finally get a charter that everybody agrees to. It's a heavy thing.

At the moment there're already two major Cross Community Working Groups at ICANN. The same question happened yesterday in the ICANN Academy Working Group. That's an ad hoc, at large led things that was then expanded with the other parts of ICANN. But it's still seen as an at large ad hoc working group as far as paper is concerned.

So we were thinking well should we make this a Cross Community Working Group. And Alan Greenberg, the ALAC Chair who's now been in ICANN for I don't know how many years, but knows all the ins and outs said, "Oh, do you think the other SNOAC's chair are going to even look at this for the time being?"

So I would - to say I would caution on thinking well let's try and do a Cross Community Working Group and in the short term you might wish to have something pretty much as loose as this, perhaps formalize it and in another way. And I don't know what other way there is at the moment.

Man: I'd like to shortly respond to that and I think your point is very true. Like one of the main topics of 2015 made work seem overloaded and burned out. But on

the other hand we've seen that there is a large appetite to discuss this. So I would definitely not try to negate that.

At the same time in Buenos Aires some working - Cross Community Workings Group are also things are coming to an end and are supposed to finish up. So maybe we - supposed to. So really?

Man: So without starting it full-fledged I think it's important to get the discussion going now that there is momentum. Because if we put it on the shelf it with gather dust and it will become - so I think maybe we could start with a light touch drafting.

Olivier Crepin-LeBlond: I can think not put it on the shelf but maybe have a work party as a start. And formalize it as a work party. And if you want to grow it to Cross Community Working Group then yes, do wait for the end of the work of some Cross Community Working Groups. But I would love to see one of these end its work.

Lee Hibbert: First of all (Mikaly) because you're a first time, (Patrick) please and then I think we need to go (precisely Matthew) - (Mikaly), (Matthew), (Patrick).

(Mikaly):   Okay, (Mikaly) for the records; and agreeing vehemently with Monsieur Olivier. It does - I think what - okay there's two aspects to this. One, you don't want and nobody's suggesting for an instant putting anything on a shelf or any other matter.

                 What Olivier and others are deeply concerned about is ending up creating yet another insert acronym here, you know, being a Cross Community whatever or a Working Group or whatever.

                 If you want to call it like a - I mean in other communities you have like the (BOF) concept. You have Working Parties. I mean the idea of even a simple mailing list where people can throw ideas around is fine. But once you start

trying to wedge us into the formal structures of the ICANN circus you're creating more work for it even if some of these that you said are coming to an end by the Buenos Aires meeting.

If you have a look at the Whois activities alone, never mind anything else, there's something like 12 of them ongoing and 20 of them coming or something.so, you know, it's not like any, like the work load is going to be reduced and we're already pretty close to breaking point.

There's several of us who would love to continue to engage with you on this and move things forward. But personally I think you guys are more expert in this area. You do this kind of stuff on a more kind of fulltime basis than a lot of us sitting around this table do - stuff that we're not interested - we just don't have the bandwidth to engage with who on this actively.

But I'd love to hear more about this in Buenos Aires if there's something that - and I can assure you speaking both for myself and for the registrars, a lot of the registrars are very interested in this because it is impacting us and it causing headaches. And we do want to move things forward.

But just be wary about how you frame it in terms of creating more workload because there's a finite number of people who are doing a lot of the heavy lifting. Thanks.

Lee Hibbert: Thank you (Mikaly). (Matthew), apologies.

(Matthew Scheers):   (Matthew Scheers) sent for Dymaxion Technology, NCUC organizational member, NCSG. I would like to talk about the frame but I'd like to bounce it up a level. We have a framing for the discussion to go forward. It's in the strategic plan. It's an ICANN strategic plan. It's point five, priority five; which is about the global public interest.

That's a significant time frame for that strategic plan. It would be marvelous to have a working party or working group that fed into that process. And it seems to me that the public interest and corporate social responsibility are two key areas that need to be set into process. And of course that process should be guided by stakeholder engagement and stakeholder input. So that's my first point.

And my second point is when it comes to actually assessing how ICANN is doing there are a set of principles that of course it should be measured by. One of which are the (CSR) principles. There are many different variations of that can be looked to. There are the (RUGI) business principles that have been referenced in the presentation. There are other (GNI) principles. In fact ICANN might even consider becoming a member of (GNI).

I mean there are a whole range of issues that should be considered. And this all feeds very nicely into ICANN's Strategic Plan. I think that's a perfect kind of framing for the work of this group going forward. And I'd just like to end by saying thanks to Counselor (Vera Penosominge) and all those who worked very hard to make this happen because this is a significant step forward. Thanks.

Lee Hibbert: Thank you very much (Matthew). (Patrick), Rafik, Stephanie and then we're going to have to wrap it with (Maralia). Thank you.

(Patrick): (Unintelligible) sorry, I have to leave the room after this statement. From an (outside) perspective what is real important when talking about the charter for this thing, whatever it is is that it needs to be absolutely crystal clear. That I hope that this group will not go even close to develop any kind of policy or otherwise rules that we actually are developing and discussing in other forums.

So it must be absolutely clear that it is a non-overlapping process for anything else we have. Okay? It is perfectly okay to bring out various examples;

otherwise people don't really know what we're talking about. But it's really important that those problems that - because the reason why people are examples is because they do believe that there are certain errors in the existing policies and processes within ICANN.

We do have ways of resolving those kind of issues and those are the mechanisms that we should use to resolve those issues. What this group should do is to work on guidelines for how are these processes that we use all around ICANN is working. Okay? And I hope everyone agrees.

And those are the kinds of really strong statements that's as an APEC chair I need to see and any kind of document to describe what this group is doing. A clear separation of what this group is dealing with and not. Thank you.

Lee Hibbert: Excellent. Thank you for being so clear, not particular. And Rafik very quickly, then Stephanie, then (Maralia) to wrap up.

Rafik Dammak: Don't worry Lee I am always quick. So I know what all of you propose I think. We, yes, we can start with the working party. And to keep the community informed. I think with knowledge about the timeline we have paved the tracks in going. So we can start with the call, I mean some people to work on the issue, to try to frame the issue, (unintelligible) the question and then we will start that discussion.

                 And to keep that all parts of the community informed. We can agree on the way how to keep them involved. And so we see how we could become and next six months and so on. So we can work on that and to find a way and to keep the different community (unintelligible) during ICANN meetings or before or intercessionally also. We can work on that.

Lee Hibbert: Thank you very much. Stephanie.

Stephanie Perrin: Thanks very much. Responding in part to what (Patrick) said and to what Olivier has said. Yes indeed it's very hard to get a new Cross Community Working Group going and it's not a light mechanism. I'm a little concerned that an ad hoc group is not going to have any agency. And I would just like to bring up another issue associated with the Strategic Plan but it's important.

And that is the risk we run the longer we don't - not just accept human rights but understand it as a frame. Because we continue to do work in violation of human rights. I've argued that the Whois exercise that we saw that massive slide for the other day at the All Things Whois. That entire process has to be informed by human rights.

And therefore we have to get some kind of a frame rather quickly so that we don't find ourselves two years down the road with an ad hoc group - I can't say this obviously - an ad hoc group of the willing working away on it.

But it's not actually feeding into the risk that we're running on these other processes. So I totally hear you and of course there is the issue of burnout that we have heard much about. How do we make sure that ad hoc group has agency? Effectiveness?

Lee Hibbert: Okay thank you very much. We really are running out of time. Very, very brief like 30 seconds Olivier please and then (Jongejack).

Olivier Crepin-LeBlond: Okay thank you.

Lee Hibbert: And then (Liz).

Olivier Crepin-LeBlond: Olivier is sick and so I can't answer that. And so the ICANN Academy was actually an at large ad hoc working group and it's because it was going to be so difficult to transform it into a (CCWG) that it remained like this. And it managed to finally stage the leadership training program which took place last year and the year before.

Now it's thinking of changing the way to go. But that was an ad hoc working group under the auspices of the ALAC. I wonder whether this could be another working group under the auspices of NCSG perhaps and with the other communities rallying around it. I understand your concern about not having an official home.

Lee Hibbert: Okay. Thank you Olivier.

Stephanie Perrin: Just let me do a follow up on that. I think I didn't do my usual doom and gloom overstatement of risk. ICANN's at risk on this. And I think that's a strategic corporate risk. And I just - I love the ad hoc group that ALAC has started and pushed on the academy but it's not the same level of risk, you know?

Man: I would like to cut this discussion short here because of matters of time, not because it's not interesting. So maybe we could go to (Jongejack).

Lee Hibbert: Ten seconds (Jongejack).

(Jongejack): Just briefly. So we very much support Dammak and want to work with you on this effort. Thanks.

Lee Hibbert: Okay thank you very much (Jongejack). (Maralia) it's very difficult to conclude which on some remarks which are pragmatic which are- give us a way forward. I really hope you can achieve that. We have just a few minutes. But I hope we can go two minutes only. Two minutes okay.

(Maralia): Okay so this is (Maralia) speaking. Just some concluding remarks to attempt to summarize what we have discussed here. In terms of substance I think what I retain is that human rights in ICANN is not necessarily a novelty but there is a commitment with international (unintelligible) which is part of the documents that are at the very core at the foundation of ICANN that are also

standard for corporate responsibility to protect human rights as mentioned here that we need to observe.

This is more a moment of bringing issues to the surface than raising awareness.

When developing policies I think that different actors have identified with examples that need to reconciled with different (lead) of standards and they need to reconcile it and respect local laws and at the same time the obligations with the contract or obligation they have with ICANN. Actors are pulling different directions and they identify the need to have some guidance to deal with the situation.

We recognize as well that there are different responsibilities from communities here in ICANN. (Unintelligible) National Treaties that they need to observe. Communities here may have the responsibility to develop these guidelines. ICANN as an organization needs to respect human rights in its procedures so that our difference as (sectors) that we need to (bury nice).

Moving ahead what I retain is that discussion is consolidated in different constituencies. I think that there is a clear signal of that. A (unintelligible) has been identified. We identified enough support for a Cross Community effort but (unintelligible) type of what it is. It seems to me that there is more support for Cross Community Working Group. The discussion is that that is needed.

Some of the goals have been identified for this Cross Community effort. It's one to map and collect information. I think it's very useful the cases that have been brought up to the table here for us to understand what we are talking about.

Secondly to provide some guidelines for the process on how to solve this common concerns and issues that are evolving is the point that Patrick made before he left.

Some instrument that may help (unintelligible) by human rights implications on the policy development. And what I retain from Mikhail is that sometimes it's hard to deal with the problems after the policy's approved. So maybe we need to have a moment to look at the policy.

And the next step may be the chairs of the (ASOLS and ASCE)s could discuss a little bit more on the exact instrument and move forward with addressing a charter to this effort that we are going to implement. And (Jongejack) has offered to facilitate this dialogue in terms of practical procedures with ICANN.

We have the mailing list that we invite you to participate, you left your emails and please join the mailing list because the discussion is ongoing there if you are interested. That's it for me. Thank you.

Lee Hibbert: Thank you very much (Maralia) to summarize this discussion so well. And I'd like to (unintelligible) before I thank you for your attendance to really leave your email address so that I will send you the link to sign up for the mailing list. It's opt in, don't worry I won't subscribe if you don't want that. You can do it yourself.

And on that note I would like to thank you very much for your attention and great discussion we've had. Thank you very much.

Coordinator: This concludes today's conference. Thank you for your attendance. You may disconnect at this time.

END