Transcription ICANN Buenos Aires NCSG - ICANN's Corporate and Social Responsibility to Respect Human Rights

Wednesday 24 June 2015

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(Neils Stenover):   So good morning everyone. I'm sure there will be more people coming in who are still discussing the GAC and the board session. But I think we'll need to start because we've got a very interesting line of speakers that we all want to give sufficient time to share their views and opinions.

Let me first give the floor to Rafik after introduce myself. I'm (Neils Stenover) from Article 19 and I'm facilitating the Cross Community Working Party on ICANN corporate social and responsibility to respect human rights.

Rafik Dammak: Okay thank you (Neils). I will be really brief as usual. So welcome to everyone for attending this.

((Crosstalk))

Rafik Dammak: Okay (Neils) reminded me about an operating thing. Please start the recording of this meeting.

Okay so I welcome everyone for attending this session. I mean it's the continuity to what we have is kind of the dialogue I think since London meeting so, you know, it's almost one year.

And I do think there is a growing awareness about this issue now in a more structured manner having working parties that's open to all part of the community.

It's an ad hoc sitting that help us to try to do more to discuss to get kind of an understanding of what we can do, what we want to achieve. And so I welcome everyone to join this dialogue.

And we also are getting different input with a report that is supported by Article 19 that give better explanation of what maybe should be done and also about some cases that we see problematic with regard to ICANN policies and human rights. So having the human rights motion is quite important.

Coming from a group that raises this issue - sorry, for many years I'm quite happy that we are getting more traction here and that different part of the community are joining us.

And I see also more support with for example the (unintelligible) last declaration from the Council of Europe.

So we will start with the presentation from (Neils) to expand what was done till now, what kind of issues that we are trying to cover.

So (Neils) (unintelligible).

(Neils Stenover):   Thank you very much Rafik. Next slide please. Oh, Olivier please come in.

Olivier Crepin-LeBlond: Thank you very much (Neils), Olivier Crepin-LeBlond speaking. I - just thoughts, should we circulate a sheet among the audience, people present here just in case people are interested in following up afterwards?

(Neils Stenover):   Yes sure Olivier. But as usual we need a volunteer to do so. So can you volunteer for that?

Olivier Crepin-LeBlond: If I had a piece of paper I would but I'm on the E system.

(Neils Stenover):   Okay.

I'm sure we can find someone who volunteers a sheet of paper. Is there a volunteer with a sheet of paper? Perfect.

And please then indicate if you would like to be signed up to the mailing list or not. That would be very welcome with your name and email address. Thank you very much.

Okay so this is the agenda. I would like to go ahead. The next slide please. And so this is Rafik said this meeting doesn't come out of thin air.

Human rights has been discussed for several years at ICANN but it was converged by the reports which are written by Thomas Schneider and (Monica Sangucci) which was facilitated by the Council of Europe.

We had a session and a presentation about that at ICANN 15 in London. We had a session ICANN 51 in LA which led to the establishment of the Cross Community Working Party in ICANN 52 in Singapore where also the GAC Working Group on Human Rights and International Law was created.

And there was a report on ICANN corporate responsibility to respect human rights by Article 19.

And here we are at ICANN 53 in Buenos Aires where we had a meeting with the GAC Working Group.

We have are two sessions ourselves and had meetings luckily with several constituencies. So we're going ahead as well as a new issue a report through the Cross Community Working Party by Article 19.

Why are we doing this? Well according to Article 4 of ICANN's Articles of Incorporation 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 international conventions.

So ICANN's policies and operations have the potential to impact human rights. We know only need to see how we can - how ICANN can live up to this obligation.

To look at this we - we're trying to depart from the UN guiding principles on business and human rights because there are standards for this work so we try to not reinvent the wheel.

And we're definitely also not trying to expand ICANN's mission into advocacy or norms I think, much rather try to use standardized corporate social responsibility standards so as human rights set standards sat out in the UN guiding principle on business and human rights as they were as well practicalized in the UN global compact.

Next slide please. We also managed to agree on a charter or a terms of reference for the Cross Community Working Party.

We're raising a lot of awareness in different parts of the community about this. We're mapping the policies and procedures that can impact human rights, provide information, proposed procedures and develop and explore see as our guidelines that might be relevant.

And of course here would like to benefit from the Business Constituency for instance that have implemented these and then propose position papers and statements where appropriate.

(Miriam) could you go to the next slide please? Next slide.

And here is where I would like to invite Lee Hibbard from the Council of Europe to give a little bit of an introduction on the work that's been doing - done by the Council of Europe recently on this work.

Lee Hibbard: Thank you (Neils), hello everybody. And so I work for the Council of Europe which is an intergovernmental organization in Strasbourg, 47 countries. There's a European Court of Human Rights.

You may have heard of the Budapest Convention on Cybercrime, Convention 108 and data protection.

These are instruments which have been legally adopted and actually are used throughout the world by different countries.

And the main focus is really all about, you know, from the Council of Europe perspective human rights, the rule of law and democracy.

Internet governance is a priority in the sense that it carries and it's a great catalyst for a discussion on these rights and freedoms.

And so the Council of Europe is an observer to the GAC. And we work there in relation to this working group now just has been set up in here of course in the community.

So to frame it at the very beginning you know, we try to look ahead at where are the discussions, what are the issues ahead of time sometimes as well,

you know, to make sure we get the ecosystem, the IG ecosystem you want, the right system you want in terms of shaping Internet together.

So we, you know, we've been involved on the scene since 2010. In 2011 we did a report and sorry, in 2012. We did a second report which is the one that (Neils) referred to with (Tommy Schneider) and (Monica Sangucci) in 2014.

And what we find now is that on the 3rd of June of this year the member states, the governments of the 47 countries set in Strasbourg and they agreed upon a very simple text which is this declaration here. And there are copes here if you wish.

And that declaration I think is a combination of the last few years of work of about discussion, examination, you know, what's the role of ICANN, what are the responsibilities and are the human rights considerations there?

You know, Are there - is ICANN only were economic interests or there are not economic interest to consider? You know, what about the role of - what about freedom of expression the freedom of assembly and association?

What about communities, vulnerable groups and marginalized groups? Do they have these other issues there we need to think about?

So in terms of looking at the governance of the Internet that's where the Council of Europe comes from. And this declaration in a nutshell is politically binding.

So it's really a concerted statement by states who say, who are saying we think there are issues of human rights in this and rule of law issues in ICANN we need to think about.

And we need to go further, we need to explore that there are responsibilities there for actors, not just state actors. And I think that's the point of this working party.

So it gives the government perspective which is opening up to other actors. So it recognizes that there are - that the work of this governments is also work involving non-state actors. It builds on the NetMundial process and it of course underlines the importance of ICANN serving the public interest.

It's builds upon the instruments I've mentioned to you, the conventions which have - which are about human rights but on the Internet as well.

It talks about rights and freedoms, about the fact that ultimately, you know, Internet users rights and freedoms, you know, prevail over the technical mandate of ICANN in many respects.

You know, Internet is people centered. We must keep it, you know, people centered in the approach how it's - what responsibilities are there?

And what should we not lose sight of? Is it only about economic interests or are we talking about people's interests?

So the work on CSR, Corporate Social Responsibility is important. And as (Neils) has mentioned there is a at the UN level, at the global level there is that now a framing of, you know, what is business and human rights?

And now we find ourselves here in ICANN talking about perhaps the role of ICANN as an actor, as an economic actor in the field of business human rights. There we go.

So I'll just finished by saying that, you know, the role of governments - I come from a governmental perspective.

The role of governments is to protect, is to be - is to do things and not to do things.

They have obligations to protect and not to interfere sometimes with, you know, with the (unintelligible) rights and freedoms.

There are - they can be compelled to do positive things, positive - take positive measures to protect groups who may feel vulnerable or marginalized, the importance of making sure that people have freedom of expression, et cetera.

So and they do this - this work is being done if you like ahead of any court cases which come through in national jurisdictions.

You know, have governments done their best job, their best efforts to ensure that they are thinking about the freedom of expression and association components of Internet governance of ICANN's work, et cetera? So this is work ahead of time in some respects.

And so the role of ICANN in this text is to say hey, you know, there is a role for ICANN here. And, you know, we need to work together.

We'll talk about due diligence. We'll talk about explicit policy statements, transparency, accountability but putting people at the center.

So to conclude and as far as the Council of Europe goes this is a contribution for you. It also means that I have to do my work to explore ways that we can assist the communities, also the governments and the GAC and also ICANN itself to make sure it does its job properly and that, you know, we act in a sense with responsibility and that we respect people's rights and freedoms, their ability to be respected in the core of the Internet governance ecosystem. Thank you.

(Neils Stenover):   Thank you very much for this update Lee. (Miriam) can I have the previous
                     slides?

                     Right now we plan to have an update from the GAC Human Rights
                     International Law Working Group. But it seems like the co-chairs of these
                     working group are still in discussion with the board.

                     So could Lee, since Lee you have been liaising with GAC Working Group
                     could you give us a short update of where we are there?

Lee Hibbard: Okay. Thank you (Neils). So there was a meeting, our first meeting of this
                     working group on Human Rights and International Law.

                     For your information there are 28 members of the GAC and observers which
                     are a part of this group.

                     Actually there were a lot more people than 28 in that room. It was a full room,
                     people were sitting on the floor. And that demonstrates the interest in this
                     issue way beyond the GAC Working Group members.

                     So the work, there was a discussion really primarily about the scope of the
                     draft terms of reference of this working group and that needs to be there. So
                     that's still being discussed.

                     So we haven't got - there are no let's agreed terms of reference yet but it's on
                     its way. So work is under - unfolding.

                     There's going to be - there will be need to have discussions, perhaps a
                     conference call in the head of Dublin to see exactly what the scope is.

                     I think it's quite clear that the question of human rights in this working group is
                     clear that there's a focus on human rights and we'll see exactly what the
                     international law component means in that context.

So to summarize (Neils) the work is underway. There is an agreement to work on these issues. There's great interest.

There is a need to share information now to make proposals not just about the scope but about the content. That's now starting. And by the time we get to Dublin there should be something more concrete on paper about where we're going.

I was finished by saying that I think it's quite clear that the co-chairs of this group, UK and Peru are mindful of the importance to have (complementarity) synergy with the Cross Community Working Party.

There needs to be some sort of working together perhaps in some ways and that we - you inform each other of your respective work and that this is done in a meaningful way. Thank you.

(Neils Stenover): Thank you very much Lee. I already have a question for you from the session from Amr Elsadr who is asking could you please clarify what international law is referring to in the title of the Working Group Human Rights and International Law?

Lee Hibbard: That's a good question. That's a question which is open which is being discussed now between the members of the GAC Working Group.

I cannot give you an exhaustive answer but I mean in my opinion we're talking about human right, international human right's law, the UDHR, the ICCPR.

We're also talking I think again, this has to be discussed and agreed on those regional treaties which matter which are about human rights, not the European convention on human rights but not only.

There are also international law instruments which are not necessarily about human rights, you know, per se but have human rights components.

I'm thinking about the Budapest Convention Cybercrime which is about, you know, criminalization of cybercrime and working together to fight that online.

And in that convention there is - there are articles referring to human rights safeguards.

So once again, you know, what's included needs to be is an open question. That's part of the job of the Working Group.

I think we need to do a mapping of the possible international law instruments which are out there which are relevant. And we need to agree upon on that scope. So we can talk more about that as we go on.

(Neils Stenover): Thank you very much for this answer Lee.

Right now I'll go ahead with a short presentation of the issue report that Article 19 submitted to the Cross Community Working Party.

It is not a product of the Cross Community Working Party. In this afternoon session at 5 o'clock we'll talk about the process whether and if and how this could be perhaps adopted or reworked by the Cross Community Working Party. But just to give you a quick overview what has been discussed the next slide please (Miriam).

It - the report maps standards of corporate social responsibility initiatives. As mentioned before the UN guiding principles for business and human rights but also the UN global compact which has over 12,000 participants from over 145 countries worldwide but there are also other examples from the sector that for self-regulation.

For instance the global network initiative, the international rights and the principles that came to be within the framework of the Internet Governance Forum.

But there are also the Silicon Valley standards. And there's the initiative of ranking digital rights.

So there is the sector has thought about this quite a lot. So now we need to see how this could fit for ICANN.

Next slide please. To do this to implement these UN guiding principles in finding the right method we'll need to see whether this can be done through a human rights policy commitment and discuss how such a thing could be developed, communicated, aligned and applied internally.

Next slide please. And then of course we also need to see how it deal with due diligence, like how does - how do we measure if ICANN is compliant and how human rights impact assessments of the work can be shaped - can be taken - take shape and form and how remediation of that can be done by an ombudsman or via other procedures resulting human rights policy inconsistency claims.

So I'll just gave you a very short overview of the reports. We have all the time to read the reports and when we're off-line. So I'd really like to benefit from the time that we have together and all the brains that we have in the room.

And therefore I'd like to first ask Patrik Falstrom of SSAC to give us some ideas or reflections on the report and discuss how and where human rights policies and assessments could be best situated and implemented.

Patrik Falstrom: Oh, that was a hard question. If I knew then I would not need this working group right?

(Neils Stenover): Well we'd also - everyone would need to agree with you so...

Patrik Falstrom: Yes. And on top of that everyone must agree. So Patrik Falstrom, Chair of SSAC.

One of the reasons we are involved in this work is that it's not only my personal interest in the mapping between the states responsibilities. It's related to human rights and companies and private enterprises and organizations (unintelligible) CSR and make sure that those map to each other.

But there's also the case that we and SSAC we sort of have the similar kind of issues as have been laid out in the report regarding convincing organizations that are living in a strict market economy to make investments that are related to goals that might not get an immediate capital or monetary gain.

But as a very similar issue and in some cases, in many cases also related to policies as here in ICANN received from an SSAC perspective that many of the policies and security issues that we are arguing in favor of for example regarding privacy issues, Whois related issues and other things that folks and all the work that (Michaela) has been doing related to privacy issues and Whois regarding disclosure of private peoples and the private information, those are the same kind of things that we are getting in favor of from an SSAC perspective for pure security reasons.

We are for example doing an investigation together with the registrars but, it's an SSAC report regarding credential management which has to do with the ability of securing information related to individual parties regarding specific domain name registrations.

So there are a lot of common interests here regarding many of the aspects laid out in this report and the same kind of problems to get those implemented. And that's one of the reasons why we're here. Thank you.

(Neils Stenover): Thank you very much for that contribution Patrik. I would like to ask the same question to Avri Doria.

Avri Doria: Thanks, Avri Doria speaking. So in terms of looking at what we should be doing it's actually quite good that we're actually getting finally to talking about it.

It's been years now. And usually I guess the first thing that we get is we get silly questions. And when people start talking about human rights we say well, what do you want to do fight hunger?

And so the first thing that we really need to do is for groups larger than those in this room need to start being, stop being silly about the topic and start recognizing the obligations that ICANN has as a public service corporation to adhere to human rights.

And it's also good that we started to get into the discussion of some of the human rights like privacy, like expression, like association, due process. But we need to think beyond that.

We need to think beyond that to the economic cultural and social rights. The names that we are, okay I can't quite say regulating but the names that we are not regulating are indeed the vehicles by which so much can improve globally in developing economies and such. So the focus that we put on those needs to be more rights oriented.

We need to take those rights into account when we think about these things and not just put them in terms of economic sense.

One of the recommendations that you've got in there in terms of getting involved in like the global network initiative, the GNI which would help ICANN think about these issues and give it some idea of how to think about, how to orient is something that has been suggested for at least three years now if not longer. And yet I have the impression that it really has never been taken into serious account. So things like that.

So it is good that we are starting to talk about it. It is good that we are starting to put together some efforts.

For years now we've been talking about the fact that to make policy on names or numbers without any measure of the impact of the social impact on these without any analysis is a great mistake.

And what we do later is say, "Oh, there was some social impact?" "Well why didn't anybody tell us?" It's our responsibility to know it.

It's our responsibility to always do these impact human rights or corporate responsibility impact analyses on our behaviors.

How do our rules, how do our processes affect the cultural life of communities of developing economies? How do we deal with that? It's something that we haven't taken seriously yet. We need the ability to give advice on those matters. So there's really a lot of work that we need to do.

And I think that beyond the wide scale of these are the principles and we need to understand them what we really need to start getting into is some specific activities, some specific changes, some specific memberships, getting help from GNI to help us understand. So I guess those are the things I think we could start with.

(Neils Stenover): Very useful suggestions from you as well Avri. Thanks a lot. And now I'd like to go to the other side of the room to see what Olivier Crepin-LeBlond from ALAC could add to this conversation. Thank you.

Olivier Crepin-LeBlond: Thanks very much (Neil). It's Olivier Crepin-LeBlond speaking. I'm Vice Chair of the ALAC. Unfortunately our chair is busy with other things having to draft all sorts of stuff and deeply involved in ICANN accountability and these discussions.

Initially of course I also when is - I think it was a discussion with Lee Hibbard when he suggested the human rights agenda and the human rights aspects of ICANN's operations I was a little I would say reserved and wondered really how the whole thing worked together.

However when discussing this in more detail and after having been in Geneva on several occasions for other foura that are not ICANN related foura it has become pretty clear that today the human rights agenda is rating very high in countries and in international diplomacy and in things that are related to the Internet, in discussions that are related to the Internet.

The Internet is such a vector for change at so many levels that it affects absolutely everyone.

We saw a very long discussion that took place at (Wicked) in 2012 about the human rights having a clause on human rights in the actual final statement. We since saw a lot more discussions following on from there.

And one of the things that was told to me a couple of weeks ago in Geneva was that if countries were dealing with this issue of human rights and were ready to embrace human rights in the work that they do, work that I remind you all is related to the overall Internet governance ecosystem it would be very strange for an organization like ICANN which is an inherent part of the Internet's infrastructure but yet is not a government and is a private sector

not-for-profit corporation to behave like a private-sector not-for-profit corporation that doesn't deal with those worldwide issues.

In other words I think I've confuse a few people here. In other words if ICANN wants to be able to do the job that it has to do which is the coordination of the domain name system and all of the functions that are given in the ICANN bylaws then it should also be able to embrace the human rights agenda in the same way as governments and other stakeholders that are involved in Internet governance are working towards embracing.

It's a case of thinking well you're not a private corporation. You are an organization that has these responsibilities with regards to the rest of the world.

At the moment what's in the bylaws I think is a good start but doesn't come quite close to vector, the whole change environment that we've had.

We have to remember these bylaws were written quite a while ago and the world has changed and the Internet has evolved and is touching more people.

And so there's a larger part of ICANN's work that involves, that basically reaches further and has further consequences than perhaps what was thought of at the beginning.

I agree with what was said by colleagues earlier so I'm not going to repeat what they said and I will keep my intervention short. Thank you.

(Neils Stenover): I don't want to put you on the spot. I'd like to - so your train of thought is very clear, very much in line with what has been said. Could you perhaps give us some snippets of idea on how this could be done?

Should we start with the bylaws or with - or where should we start and how should we continue that work?

Olivier Crepin-LeBlond: Yes thank you. I think starting the bylaws is probably the wrong way to go about it. This is a bottom-up organization. This is something that you don't start with the bylaws and then get everyone to agree afterwards.

In our previous meetings I suggested the having a working party rather than the Cross Community Working Group because I think we would've probably still been at the position of discussing the charter of the working group today so many months later.

And I think the way that things have to go is to first circulate things among the ICANN communities and get the ICANN communities to adhere to this and then think - I think that perhaps as an endgame a change in the bylaws in some certain way so that we do have this.

But it has to be carefully crafted so as to not start changing the actual mission of ICANN and the actual work that ICANN does.

ICANN is not a human rights organization. It's not there to - and I'm going to unfortunately say this but it is not there to change the world in a certain way.

It has a very technical mandate with some policy implications in there, yes. It's an excellent experiment as far as the multi-stakeholder model is concerned.

But to try and go further than what it should do is I think something that we'll see a lot of pushback in many different parts of ICANN.

As far as the ALAC is concerned unfortunately we haven't had much time to discuss this issue yet. But I would see a bylaw change or one line added to the bylaw and perhaps more than one line but I think one line is the minimum

to have - could be the end game for the whole process that we have here. That's just a suggestion. I'm not - this is I think a natural progression.

But that would not happen if the supporting organizations and advisory committees of ICANN are completely against this.

We need to find consensus and we need to get people to understand what this is about before even trying to push things. Thank you.

(Neils Stenover): Excellent. Thank you very much for that very suggestion.

So I'd like to go over to Greg Shatan also to ask him this question and also try to at the end as Olivier did see if you can give us some suggestions how we could move this forward and where it should go?

Greg Shatan: Sure. Thank you (Neils), Greg Shatan from the Intellectual Property Constituency. I actually felt myself quite sympathetic to a lot of what Olivier had to say.

Thinking about this I actually go back to the discussion that a lot of us had about the use of the auction proceeds. Because in that discussion we had I think issues because we were discussing both process and substance simultaneously.

And the conversation kind of went back and forth between the two without really coming to a satisfactory result on either point.

So I think here as well we have to have discussions on process and discussions on substance. But if you start discussing substance prematurely you kind of denigrate the process in a sense because it's the process that is supposed to give you the result of substance.

So what we need to do is kind of think about where how this latches into ICANN's processes. And this is a very process oriented organization.

There's some people that seem to do nothing but talk about process. And in the end that's terrible but you do at the same time need to respect that that process is how we get to results.

And maybe it's almost liberating to have some sort of process just like it's liberating to have actual chord changes when you're playing jazz and not just play free jazz. It's liberating but it's also little bit more technically difficult in a sense not to put down purveyors of free jazz.

Olivier Crepin-LeBlond: I was going to say...

Greg Shatan: I had my free jazz period.

Olivier Crepin-LeBlond: (Unintelligible) today.

Greg Shatan: But Arnett had immense structure. The harmelodic structure is actually extremely complex.

Olivier Crepin-LeBlond: (Unintelligible).

Greg Shatan: Anyway from one passion back to another.

So I think that the process we need to do here and I agree with Olivier that's starting with an informal process here it's the CCWP.

When we're getting to the new gTLD second round and informal discussion group was started so that in dealing with complex issues you need to spend some time framing them rather than try to launch right into the formal process without having thought about what it is that you're doing.

So but I think that what we - at - what needs to happen and I think better sooner than later is to put this back under the formal rubric and process of ICANN and get into the policy development process and engage in a truly multi-stakeholder process because ultimately every stakeholder group and constituency and advisory committee will need to be involved, will need to be in the discussion.

And they - the earlier they are in the discussion the less they feel like somebody has delivered them a partially baked but hopefully not half-baked idea the less involved they feel.

So that's one of the parts of the process here is that everybody likes to be here at the beginning. So in a sense this isn't to some extent while this is two or three years' worth of work has gotten us to this point it's also the beginning because it should be the beginning of the formal ICANN process.

And the longer you wait to start that ICANN process the later the result will come.

So I would encourage this group to kind of metamorphose to the next phase by going kind of completely inside the lines having kind of done a lot of the groundwork.

In terms of results and I said I wouldn't mix process and results but I've done process and now I'll do the result. I think, you know, clearly from the point of view of the IPC we're just beginning to really recognize this issue.

I know that if you look at the, what is it, the Global Network Initiative you'll see the names of some IPC members and some BC members.

But one of the issues is of course that those, the people who aren't participating over there aren't the people who are participating here.

So trying to figure out corporate social responsibility best practices, you know, requires kind of internal review because, you know, none of my members who are actually sitting in here in Buenos Aires with, you know, rare exceptions could tell you deeply how their organization thinks about corporate social responsibility.

You know, obviously they should know it at the kind of end result level but they're not, you know, we're the ones who have crafted those policies and given it all the thought that it needs to.

So, you know, we need to kind of bring those people in and may not bring those people into the table but we need to kind of ring that thinking into the table so that we can engage. You know, the business sector operates in a lot of different ways.

And, you know, for those of us who are here not necessarily intimately involved in how our colleagues on the other side who are dealing with these issues elsewhere.

So for us we're kind of at this point looking at learning and listening and eager to participate.

I think, you know, also from kind of the point of view of my constituency - and I've not been speaking for the constituency but for myself but from that perspective representing creators, disseminators consumers of intellectual property, creative works of free expression, free society, free economy all those are good things.

You know, banned books and censorship are not good things although they weren't getting to content which of course is outside of ICANN's technical mandate so that's always have to watch the mission creep here.

But at the same time, you know, this is in many ways corporate social responsibility public-interest human rights are on all are very consistent with intellectual property rights and intellectual property interests.

On the other hand there are times where there are at least perceived frictions. And as we get deeper into this we're going to have to, you know, at some point we'll get to those points of perceived friction and figure out what we are doing here.

It's way too early to say how we do that. But it is one of those things down the road. And as far as bylaws go I think that is regrettably probably, you know, several years down the road as we - I've spent a lot of my copious free time in the CWG on accountability.

But we talk a lot there about, you know, how important stable bylaws are and the bylaws shouldn't be too easy to change and that they're go to the core mission of the organization.

So it's clear that when we get to bylaw changes that it has to be the result of both a bottom-up multi-stakeholder process and a process that happens within the ICANN corporation.

And that's a complex system. But changing the bylaws comes after you know what changes you want to make. And that's what we have to figure out first is what is what are we trying to reflect in this internal ICANN culture and what are we trying to reflect as ICANN is a governance mechanism and self-regulatory mechanism as well as a corporation? And there's, you know, all different levels of corporate social responsibility.

You know, I don't know whether ICANN uses recycled paper towel and toilet paper. That's - I mean there's even a physical corporation issue of corporate social responsibility.

And that's not, you know, if ICANN has an internal responsibility that's more socially responsible that I think goes out and helps to kind of soften the overall, you know, view of these things.

It's all of the piece but obviously when we get to the technical mandate of ICANN we're not worrying about toilet paper. You know, we're worrying about how does ICANN make policy?

And first I think we have to get into the policy process and then we'll have, you know, a lot of time to really engage on results. Thanks.

(Neils Stenover): Thank you very much Greg. And I'd like to reiterate I think we will reach out as a CCWP to the CSG to learn from how businesses have implemented their CSR policies and see how that can work. So definitely do that.

Right now I would like to go ahead to Michele Neylon and hear what his views are on the matter.

Michele Neylon: Yes thanks (Neils), Michele Neylon for the record. I am not sure exactly which capacity I'm sitting here at AIM.

I'll choose - well I am a member of the registrar SG. I happen to be the chair of the registrar SG and I'm probably not really speaking as chair but more as a European-based registrar who has spent a dis-ordinate amount of time trying to get ICANN to respect our ability to operate within the Irish and European law.

I mean just a few things. But I think so, you know, the - this group and the discussions here have been evolving nicely.

And I think it's something that over time as you're able to bring in people with expertise and background who are able to talk to groups who probably don't

really engage with ICANN on an ongoing basis that can help to move things forward.

However you need to be careful about how you handle terminology. So I mean for example Avri may wish to get every single person in ICANN to understand the concept of human rights but it's not helpful to start giving out about how people don't understand human rights.

The issue here is that if you want to talk about let's say respecting privacy then say we're talking about privacy. If you want to talk about freedom of speech say you're talking about freedom of speech.

I mean this is a lot of - for a lot of us we're businesses those of us who are very technical people, we don't spend our time in the space that a lot of you do. So you need to help bridge that gap.

But I can understand the frustration. But it's not going to move things forward if you focus on things that we don't really understand.

So when it comes to the human rights work that's has been evolving over the last I supposed about 12 months or so within this group and elsewhere, you know, there's a (unintelligible) I've repeatedly that you need to choose specific subjects and specific topics, specific areas where there is either ongoing work or there can be worked.

So for example around privacy and the conflicts between ICANN's contracts and the law. There's a number of work tracks going on there. I mean Stephanie for example is involved in several of them.

I see other people in the room who've been trying to get involved at some level or another. You know, this, you know, focusing on specific issues.

I mean looking at some of the other issues that are much, much broader and I think making progress there is going to be something that's going to happen over time.

(Neils Stenover): If you don't mind Greg could you please at least keep it because we still have like ten minutes left and there are still some other voices that I would really like to hear.

And also give the people the opportunity in the remote participation and in the room to also have their voices heard.

So thank you very much for this very concrete and valuable contribution Michele. And now I'd like to hear from Bill Drake.

Bill Drake: Good morning everyone. Well I'm on the chair of the Non-commercial Users Constituency. And NCUC since 1999 has been pushing in ICANN above all for freedom of expression and privacy as sort of guiding issues.

But it's only really in the past couple of years that we started to put those civil liberty questions into the broader framework of human rights and locating them in the context of you and other intergovernmental organizations recognized human rights.

So for us this has been an interesting journey and an a useful because it contextualizes and creates a broader framing that I think provides avenues for bringing a lot of people in towards our sorts of issues.

And I've seen a lot of evolution. In the past couple of years we had in London a couple years ago Lee and Thomas Schneider came and presented in their paper to us on Constituency Day and we had a very good conversation.

And since we had all this kind of like, you know, trajectory of work going on. And now we've got a room full of diverse people. So I'm quite happy with that.

At the same time I feel like - I sort of feel like we keep having the same conversation so I am hoping that we can push further.

I think that the report that's been provided is really useful and it advances the ball on some important respects in making the connections between general human rights concerns and the CSR kind of questions.

I as I expressed on the list for people who were involved in the discussion feel a little queasy about putting it into a corporate CSR framing in a way because to me ICANN is a global governance institution. It's not a company that sells stuff.

And I think that, you know, there you may give up something when you sort of like say well put them into the GNI and where alongside Google, et cetera. because there the activity's qualitatively different.

But nevertheless I think maybe it's probably a useful way to go about things.

I do worry that we are still sort of putting the cart before the horse a little bit when we start off by saying well, you know, bylaws changes -- things like that because I just think that so much of the community is not there yet.

And so what I've been saying from - for a long time and I think I've made the same point in three or four successive meetings now but I'll do it again anyway is that I think that we have to start to do exactly what Michele was suggesting which is like bridging the gaps by offering specific cases.

So what I would like to see is a chart or an overview document that actually takes a whole series of ICANN policy outputs and says this is relevant to this internationally recognized human right. You know, and then (bash) that out. Because I think for many people who live in the domain name industry they're just not in that life world. They're just not seen those connections at all.

So when we have the conversation at a high level of generality they kind of like look at us a little puzzled and say well where are you trying to go?

So I think, you know, this is not...

(Larry):   This is (Larry) is you're channeling me. I - this is wonderful though.

Bill Drake: I channel you all the time.

(Larry):   This is wonderful.

Bill Drake: Even when you spill water on my computer I challenged you.

(Larry):   Because for the record I handed him a bottle. He opened it. I did not.

Bill Drake: He shook it up, fizzy water. Anyway be that as it may no, I mean seriously, you know, for some of the issues the kind of issues we talked about for some time -- freedom of expression, privacy -- I think you can draw clear connections and we can say okay fine Whois policy privacy and you can itemize those.

It gets harder -- and I've said this before too -- when we turn from the economic from the social and political rights to the economic social cultural rights.

As Avri said these are in international law indivisible rights. I mean if you talk to anybody who works international human rights law they say this is all indivisible stuff.

You can pick and choose, cherry pick say which parts you accept and which parts you don't although in reality that is what has happened politically at the international level.

We've always had a tendency where a lot of industrialized countries tended in particular and especially North America I think have tended to say that civil and political rights are the ones that we can really relate to and the economic and social are bit of a stretch for us to understand exactly what they mean and how to implement them, et cetera.

So taking the corpus of ICANN policies and try to lay those out and make those connections and see what's there I think is a necessary step to be able to give people into the tent. Otherwise we have them standing around on the outside kind of going well what are you guys trying to really get at, you know? And that's - we have to get beyond that space.

Now I know that the report calls for it says in order to comply with due diligence ICANN should produce an externally audited annual report on human rights issues and their implications.

And I think okay that would be a way of going about things. But there's an (unintelligible) to the step. And it's a step that I think the community could do.

I mean I think community and the people who are interested could try to do at least a brief inventory of ten, 15 main policy outputs that are central to ICANN operations and make connections to at least establish that this is a relevance to the right to participation or this is a right - this is relevant to the right of assembly, this is relevant to the right of speech, et cetera, so that people could begin to like they will okay, how do we think about the balance and trade-offs here?

And make no mistake about it, you know, Greg very nicely says points of perceived friction it's going to be more than perceived friction. It's going to be there is...

Greg Shatan: I was being polite this year.

Bill Drake: You were being polite and that's fine but we're going, you know, at some point it's going to get down to where we say okay ICANN has this policy which some of us think really is inconsistent with the right to privacy.

And they're going to be actors who say but we like that policy. We think that policy is important. We think that policy serves law enforcement and trademark and other protections and we don't think that we want to trade that off.

And so then you're going to have to have that conversation about how did you find that balance, how do you find that mix?

And so we're going to get there. And they're going to be people who may say you know what? Because I anticipate that's where this goes I'd rather not start the conversation.

So that's why you have to start the conversation I think in a way that's kind of nonthreatening, that is neutral, that is simply not starting out by making assertions saying ICANN policy violates this but simply say this policy is of relevance to this right.

And then we can debate later exactly what that relevance is and how those things might be balanced.

So I think there's a lot more work to be done. I think we're on a good course but we have to get it from the general premise of saying hey ICANN, let's bring the outer world into the space and say okay and here concretely really what it means.

And we're going to find for a lot of parts of ICANN's work that human rights issues really are not necessarily so germane and then that's fine right?

I mean you know it may well be that it turns out that a lot of them are technical aspects of, you know, the way in which IANA functions are done or something like that.

You know, it's not so direct to human rights and so that's find good. You know, so let's do the mapping and let's identify the potential points of connection and then let's start to try to have a conversation around that. I think that's what we have to do. Thanks.

(Neils Stenover): Thank you very much Bill. I see that there is a direct reaction from the room. And I'd still like to really stimulate people in the remote participation and from the room to comment on this. So please could you state your name for the record and go ahead?

Anne Aikman-Scalese: Yes thank you (Neils) it's Anne Aikman-Scalese with the IPC just speaking personally. And with respect to charter and process I did want to mention two considerations that are sort of near and dear to my clients in particular. And that would be Article 27 of the human rights declaration.

Item 2, everyone has the right to protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

And the second consideration that ties into that that I want to mention his rights of indigenous people.

I think Avri even brought this up the other day with respect to indigenous peoples within North America.

I represent a federally recognized Indian tribe and have recently been involved in work to memorialize through the written word and through illustrations and artwork their culture, their language.

The concern there relates to, you know, the loss of these traditions and of this body of knowledge that the elders possess.

And I've been working with them not only to develop those manuals that are used for education in their schools but also to obtain copyright protection for those.

And we've of actually had some strange situations involving Internet use where oddly enough professor at a prominent university elected to post material on the Internet that violates tribes' ordinances and exposes material that the tribe considers sacred.

And so I would ask that as this group looks at charter that we look at the interest of authors at human rights as well and in particular, you know, as that may relate to indigenous peoples. Thank you.

(Neils Stenover): Thank you very much for that contribution. I see there are many reactions from the room and I know I've asked for that.

I would like to go with five reactions from the room and then continue with a few people we still have lined up. I hope that's okay.

Okay so I have (Michelle) there (Waleed) and then Marilia. Please go ahead.

(Michelle Medrish): Hello everybody, (Michelle Medrish), just a small comment. From my point of view with respect to criminal act as others say at the end of the day the respect end users because who are them (sic)?

So I suppose it will be very productive to look at this, to pay - and to attention and to remember that we are speaking about human rights of end users.

So At-Large at the same time must work in this direction also and help from our party, our working party will be very useful I suppose.

(Neils Stenover):   Thank you very much (Michelle).

(Javier Rua):   Hello. My name is (Javier Rua). I'm Chairman of (Ragulatel). (Ragulatel) is
                    the insider GAC observer. We're the Latin America Forum of Telecom
                    Regulators. We - are membership is all Latin America and we also have three
                    European members -- Spain, Portugal and Italy.

                    Following up on this points we've been working in (Ragulatel) for the past
                    year with (unintelligible) who's (Julia Fanges) counsel and with (Frank
                    Leroux) who's the former rapporteur on freedom of speech for the UN.

                    And we've been working and we have produced a document regarding
                    international human rights as applied in telecom and Internet context with the
                    focus of course on the end-user, on the consumer on the user of the Internet.

                    So I guess at this point I would only like to say that we are - we would like to
                    definitely contribute as much as we can with this process.

                    We can - this document's in Spanish right now. We would have to translate it
                    or adapt it. But we will gladly, you know, proffer it and to ALAC and disk and
                    to ICANN for whatever purposely it can serve.

                    I think definitely the - because we must concentrate on the end user and as
                    much as possible on human rights in the context that really, really matter to
                    ICANN which are, you know, definitely human rights and perhaps some other
                    areas of international law but basically human rights in Internet and telecom
                    context. Thank you very much.

(Neils Stenover):   Oh, this would be an example of how we could get something from a really
                    grassroot practice. So I'll definitely be happy to see if we could try to translate
                    that document and see how a practice that's already used is in the
                    community could then be implemented and inform policy higher up.

So that sounds very interesting (Javier) so let's please continue the discussion on the mailing list and post it there. That would be greatly appreciated.

(Hunda Jimenez): My name is (Hunda Jimenez). I'm a first time fellow here. And I'm coming from a country which is undergoing a deep constitutional and structural change.

And I know that the Article 19 in Tunisia is developing now a coalition with a different local NGOs the private sector and the government.

And this coalition is called Alliance Article 32 the check and balance the rights of citizens to access information in Tunisia.

So this is a very good model of the decentralization of the work of ICANN and local context of Tunisia.

But I'm - what I want to ask is that how ICANN can really still decentralize its rule to the regional context now of our countries and really try to implement those international human rights standards that serves the agenda of Article 19 and other multi-stakeholders group at the local level?

Because it seems that here we always go to what the institution's needs, like what ICANN needs in terms of policies. And we don't really go to touch the grassroots level and to add to what the people need at the local level. So we can basically decentralize a level of ICANN at the local level.

(Neils Stenover): I'll take this question to be answered by the group. I think several people could go into this. I think (Waleed) could perhaps or has also experience on how to do that.

So we'll take that question and try to answer it in the continuing conversation if that's okay. And now the next in the stack the gentleman there, thank you.

(Jorge Carcaballo):   Hi. Thank you. My name is (Jorge Carcaballo) from (Regunamos), Knowledge Disability Technology. I'm very happy listening in this meeting. I was waiting for 15 years this moment.

And I think two things. First of all being 21-Century citizen is not easy to think if I will be or not. Human rights is the base of the 21-Century. And it's not 21-Century issue. It start in the last part of the 20th Century.

But in the first convention of human rights in the 21-Century was the last convention. It was the last people in humanity the people with disability.

The next to give you an idea the next year will be the 10th anniversary of the convention, no? Most of the human beings with disability don't know there exists a convention.

They say, "Well but I need something but it's in the convention." You don't need to say please. You need to say do it. And the relative don't know it but the terrible things the people without disability don't know that exists.

So how you can ask for people to do access ability if they don't know they must do assess ability or to employ people with disability and stuff like that?

So if we are talking ICT worldwide community I think so ICANN is one of the leaders of the ICT community. And information about human rights is a ICT issue, I share two things.

The first the reason because I'm here, I come here to make a call to ICANN. And yesterday we were talking with ISOC to lead a worldwide task force of the community, worldwide community of ICT to develop a specific tools in the

next five let's say ten years from today, no tomorrow the next year from today the most necessary tools the communities need.

And I suggest to start it for the people with disability because it's a bottom of the bottom of the social pyramid. Thank you very much. I'm sorry for my English my interpretation. Thank you.

(Neils Stenover): Thank you very much for your intervention there.

(Waleed Elsaca): Yes (Waleed Elsaca) for the record. When we met Fadi earlier Washington DC this year at the NCPH meeting one particular assumption that had been in my mind was that ICANN never deals with content. Actually it was invalidated.

And the reason was is because ICANN had helped law enforcement track down pedophile content on the Web. So that actually breaks one of the assumptions that we had in mind that ICANN will never deal with content. It does.

And so if this issue is of importance why isn't the issues of activists being harassed through the Whois information not addressed?

Why isn't the issues of blocking access to vast parts of the world not addressed through domain names filtering which is through the ISVs non-contracted parties that are affiliated somehow to ICANN.

And also without any intervention from the contracted parties which are the registries because vast parts of the world actually need as the end-user needs to access the domain name as in a - in the default case (unintelligible).

We - the scenario that should have been is that the user would actually arrived to the content. Yet through intervention from the ISP level that never happens.

Yet end-users are to be protected and somehow their right to access the domains, the content because it's still a name, not merely a particular label. You have the domains so as you can know that you arrived to the content.

I for three, the last three years have been raising this. And every single time I get the same answer is that we never deal with content and we - you should just go to ISOC.

If I am now a, hopefully a board member of ISCO then that is not enough.

We need to actually collaborate. One party cannot solve all the problems of the Web or the domain name industry. So now that ICANN has broken the assumption that's invalidated assumption where should it draw the line?

And I would like to pick our brains into this and. A know it's going to be a very, very tough process to have to cover everything in human rights.

But how is that ICANN can proceed from this point onward in addressing what could and could not be done in that case? Thank you.

(Neils Stenover): Thank you (Waleed). I saw that Patrik wanted to respond directly to this so wanted to give him give them a chance before going to Marilia.

Patrik Falstrom: Yes. This is a direct response to explain what is currently happening in ICANN. The last couple of years law enforcement have been service circulating around inside ICANN policies and have not really understood where they are. They have not found a home.

They have been working with us in ASAC for quite a number of meetings where we have probably only up to ten meetings where we have had meetings together to try to identify the difference between the cases where you actually do have law enforcement or other kind of public safety

organizations acting based on rules that are implemented in local jurisdiction and other kind of effects or other kind of actions that might be for example be interesting for private sector entities.

What has happened at this meeting is that we know do have the Private Safety Working Group as part of GAC where governmental entities both everything from law enforcement to consumer rights organizations do have a home where they're discussing these kinds of issues.

So I think what you do see in ICANN is that you do now see a discussion that is formalized regarding actions against illegal activities. So that is where the line is drawn and that is what we are now working on and moving forward on.

(Neils Stenover): Thank you very much Patrik. Now I'll go to our response from Marilia.

Marilia Maciel: Thank you (Neils). This is Marilia Maciel speaking. Actually it's not a response, just a point for thought.

In my mind when we are working on these issues we are working basically in three main areas and in my mind they need to evolve in parallel.

The first of them is understanding of where we are. And I think that Bill and Michele raised the point of mapping which is really important.

The second is preventing problems in future policies and how do we do to prevent that because I think it's just is mainly what we are here to do.

And the third is to remedy the problems that we already have that continue to exist and that Michele and others raised in so many meetings that we organize.

So I think that we need to find ways to tackle the three of them. The first I think is a mapping but maybe we need to find a way to develop a report like

this because to me it requires talking to many of you in the community and maybe working with interviews and collecting this information in the field. This requires fieldwork.

And though you have put together some very interesting reports I think that maybe we need a more robust support to develop this kind of mapping of the organization.

And I am looking at you for a reason. I don't want to put you in a spot but maybe the Council of Europe could play a role in commissioning something like this.

The second is preventing future problems. And I can speak looking from where I am at the GNSO one thing that we have been thinking about is that when we do the issue scoping report we need to do an impact assessment.

Maybe this could be a rights impact assessment. This is a way out but I don't know how this could play in different constituencies in SOs and ACs.

And maybe you could comment on that and the remedy. To meet remedy's still an open point, how do you see that we can remedy the current problems that we have? Thank you.

(Neils Stenover): Thank you very much Marilia. I see that there is a direct reaction from (Matt) and from Michele and Avri.

If you don't mind I'll go with (Matt) and then continue our small list to ensure that we have people who have not spoken yet to have a diverse spot as possible.

Okay we'll have (Matt), Stephanie and then we'll finish our - and then we'll have (Matt), Stephanie and David Cake. And then we'll continue our list

because I definitely want to give ample space to Rafik and (Desiree) to also give their views about this. Please go ahead (Matt).

Matthew Shears: Thanks (Neils), Matthew Shears for the record. I just want to kind of do a little bit of a reality check here in a sense. And I agree I think that the mapping exercise is essential.

When you look at the UN global compact, when you look at the GNI principles, when you look at the (rugi) - all those sets of principles are largely oriented towards manufacturing extractive industries and other things.

So we already have a task which is important in front of us which is to identify what elements and components of those principles we can bring together to form the basis of the principles that ICANN would be looking at? So it's not a clear-cut move one set of principles into ICANN okay. So we have to deal with that first off.

The second thing is that I think we really do need to focus at a corporate level as well.

So corporate social responsibility gives us a wonderful way of working in key issues like privacy, like human rights.

So there are reports out there that's shown how corporations have implemented corporate social responsibility programs that cover some of the key issues we're concerned about. And importantly it covers issues like governance which of course is a key topic right now.

So I think at that level we should really look carefully at the principles, look at corporate social responsibility as an entrée because we should be best practice in the corporate social responsibility space.

And look at also that as others have said at human rights impact assessment at a very practical level in the PDP process. Thanks.

(Neils Stenover): Thank you very much for those very concrete steps (Matt) very useful. Stephanie?

Stephanie Perrin: Thanks very much for the record Stephanie Perrin from the NCUC and the GNSO Council. I think there's quite a few activities going on at ICANN that could benefit right now from that mapping exercise to find out how we get a really concrete tool inserted to the policy and implementation process that addresses the particular human rights that are at play here.

And I definitely there is the trademark issue. Definitely there is the privacy issue. Definitely there is the freedom of speech issue, freedom of association as it pertains to the domain name regulatory function. And I use that term advisedly that ICANN plays.

So we have a number of committees starting up. We have practices looking at consumer protection. We need something that we can bring to all of those processes.

And so I really think it'd be useful to start working on that policy impact tool that Marilia just discussed.

It's a nontrivial matter to come up with a working tool that you can use in these - in all the working groups.

As Michele said earlier we've already got ongoing working groups where such a tool would be very handy as we look at our recommendations and run it through and say okay what is the impact on this?

But I would also like to echo that we have to stick to the remit of ICANN. We as wonderful as all of the panoply of human rights are the Council of Europe report first report that they did focused on what was going on at ICANN.

And I think we should really look at - that's half our mapping done right there. Let's make sure we make use of those reports. Thanks.

(Neils Stenover): Thank you very much Stephanie. Dave?

David Cake: Yes. I just wanted to comment when...

(Neils Stenover): Could you please state your name?

David Cake: David Cake. Patrik talked about that ICANN is gradually starting to include in its post considerations of, you know, dealing with illegal activity and so on.

And while that's sort of a legitimate and we certainly, you know, law continuance of law enforcement it's important to understand that of course human rights can and often be in conflict with national law.

And as an international organization ICANN this is why ICANN does need to have - as we continue - start to do with law enforcement this is why we absolutely need to have human rights considerations baked in and we need to not simply leave it to our government representatives.

There are a number of countries that do things, you know, quite - they blatantly in violation of human rights law among which I would reluctantly include my own.

(Neils Stenover): Thank you David. Now I'd like to go over to Rafik Dammak of the NCSG.

Rafik Dammak: Yes thanks (Neils) so Rafik speaking. Just maybe to clarify about the process that we are going through is that knowing the workload we have because

IANA steward transition and ICANN accountability track we saw that having working parties sitting would help us at least to start the work, to do more research, to write (unintelligible) about what this topic and having this kind of session.

And so maybe in near future we can move to more formalized structure having cross community working group for example and so to have more official participation from all parts of the community.

And this session is really helpful because we are getting a lot of questions and concerns and also kind of brainstorming in terms of concrete action hearing about the mapping hearing about other area that we need to cover.

And this means more work to be done by the working party in terms of to do more research maybe to show another report and so on and to give that kind of work.

So I'm not going to talk more. But I think it's still ongoing process. We welcome everyone to join the mailing list to participate.

And so we can help in framing more and more this discussion and to understand what we want to reach.

And that's way it's responding to it to Greg question about how we can formalize the process and so on. Okay.

(Neils Stenover): Thank you very much Rafik. (Desiree) you as being almost Omni present in different parts of the community, I'm very curious to hear your views on the report and where you think and how human rights policies and assessment could be best situated and implemented?

(Desiree): Well thank you (Neils). And thank you for inviting me to this panel. I wouldn't be able to report from the Omni present view but I will give my thoughts as a longtime participant within ICANN.

And also I - this topic of social corporate responsibility and human rights is very close to my heart since together with Bill Drake we used to sit on this and work for the organization that is specifically focusing on some issues called computer professionals with social responsibility where we dealt with issues of Internet filtering, digital signatures, privacy freedom of speech.

So their organization is like yours (Neils), Article 19 that focus on human rights. But I would have to really say that even today if you were to ask anyone whether human rights agenda fits within ICANN?

Any newcomer would say no ICANN deals with domain names. And I think it is good that we have overcome this hurdle and we are now accepting especially with everything that has happened in the world with regards to the threat and abuse of privacy and a lot of trust in digital age.

We're seeing that issues of human rights and digital privacy and are here to stay. And we have to be social responsible to take any precautions.

And think of policies how to advance the assertion of individual rights but also to monitor the ethical and business code and practice of organizations such as ICANN.

So the real question is how do we do it? And it's not really any more if we are to do it but where to do it, where to start and how to gain acceptance?

And I think it's also very - it would - we would be oblivious if we weren't recognizing that the very first formation of the working group on Whois within ICANN has not dealt with all these issues of privacy.

And organizations that are focusing on that are welcome to participate in the work of ICANN to give their voice to it.

But how do we - where do we go from here and how do we move forward? We have to recognize that our linkages of privacy and technology.

We have to recognize that although ICANN has a very narrow mandate and with a - content is technology.

These issues of ownership of data and IPR can restrict technology. And technology is there to provide tools for privacy enhancement.

And I think that's what we're doing. So how do we really get ICANN to be assessed as an ethical and social responsible organization?

It's also - and where to start? I think we had many conversations here with people in the audience if it's good to start with the GAC because states are the ones that are supposed to sign up to the - and universal declaration of human rights.

And what the history has taught us that the states are actually abusing technology and not protecting and not respecting universal declaration of human rights.

So we have seen proliferation of other Internet rights. And what we are trying to do is set up policies at the right intersection within the ICANN process to actually build some useful privacy, or freedom of speech and freedom of association tools to assert those rights.

So I see it on two levels. One is the corporate social responsibility level and the other one is the end user level or the end Internet user level.

And I think we have to carry that in mind that there's this twofold approach. And then there is the stakeholders that actually come to ICANN and different constituencies. And that will help draw of this map that Bill mentioned. And it's a good starting point.

I think I will stop here because it's better to hear more from the audience if they have some ideas how we would better define ICANN public interest in terms of protecting social and corporate responsibility.

(Neils Stenover): Thank you very much for that contribution (Des). And what we're seeing here that over the time when we're having this discussion it's becoming more concrete and more apparent. And we're having this discussion with a broader part of the community. So that's excellent.

I'm very conscious of the time. So we're having five more minutes. And we also have the summary of the discussion from Marilia. So I would like to have - to give the floor to some people who haven't spoken yet.

And I know that (Onjuck Sylvrana) is in line. And I'd like to hear him. And then I'd like to see some hands from other people that I'd like to speak as well. Thank you very much.

(Onjuck Sylvrana): Thank you (Neils). This is (Onjuck Sylvrana) speaking of private capacity. I'd like to address a later stage.

I think that what Marilia and others have pointed out at mapping is extremely important. And that's where we should start.

But looking at the next steps enforcement, (Olivier) marked early on that of course tampering with bylaws it's much too early now to think about that.

But I'd like to take the analogy of international law and some international treaties for instance the law of the sea or the strategic arms limitation talks.

And long experience teaches us that actually the efficiency of such deals or laws is directly bound to the existence and the enforceability or not of sanctions.

So I wouldn't take that analogy too far for the Internet and for ICANN but still that gives an idea of the framework in which I'm reasoning.

I think that there will come a time although it's too early now when you will have to put the question to yourselves who within the ICANN community or within ICANN itself within its constituencies has the ability to seize the board or to draw the attention of the board because ultimately problems of this nature will have to be dealt with by the board not by anyone else certainly not by staff. So I think that there are several formula.

One which is practiced in several North European countries is the existence of a sort of ombudsman specialized in legal affairs and human rights but there are the formulas.

So my concrete proposal would be that you're working party or working group perhaps turned once again to those who initiated all this with an excellent report that is the Council of Europe to look at this latter part of assessment and enforcement.

And to see what in their opinion in conjunction with you and your requirements could be looked at as possible solutions. Is it a person? Is it a structure? Is it a process? Thanks.

(Neils Stenover): Thank you very much. And I see that the people who are coming in for the next meeting are already coming in.

So unfortunately because of time I'd like to really hear many more of you but perhaps we have also time after this meeting to talk further outside and on the mailing list.

I'd like to go to Marilia but also invite you to the Cross Community Working Party meeting. Next slide please Marilia which is today at 5 o'clock which would give us much more space to talk about concrete steps how we're going ahead and how we're going to do that.

And if you might not be able to do that of course there is the mailing list. And I would really like to engage with you all on there.

If you're very experienced, if you're a newcomer there is a lot of things to do as you just heard. So now over to Marilia.

Marilia Maciel: Thank you very much (Neils). This is Marilia Maciel speaking. I'll try to summarize briefly what has been discussed today.

The meeting started with a welcome from Rafik Dammak from NCSG. (Neils) did a brief overview of the scope and focus of the charter of the CCWB that has just been created. Some issues that we are looking at are compliance, review impact assessment remediation.

After we had an inform by the Council of Europe with the declaration that has been recently approved on ICANN and responsibility to respect human rights.

The Council of Europe also presented a brief summary of the work that has been carried out in GAC and the working group of human rights and international law.

GAC is now trying to define the scope of the working group. And we can expect more about that in the in the (brief).

With regards to the general observation on the goals of the work that we are developing here I think that one point that has been stressed many times is that the organization is more and more recognizing and the community is recognizing that ICANN has a public service - social responsibility that it needs to look into.

Human rights has been a topic that has been discussed by governance by many years. But maybe we have a more multi-stakeholder way of carrying out the discussion inside ICANN. And maybe apply some self-bottom up governance to the discussion of human rights in the organization.

In terms of substance some people highlighted that it is important to identify the synergies between different topics such as security information related to domain registration.

But also relating this with a discussion of Whois privacy, the rights of others and business people have been mentioned, freedom of expression and the policies of blocking, and filtering, and (unintelligible) domain names is also something that has been mentioned by the crowd.

In terms of the way forward I think that we have some very interesting points that emerged from the discussion.

First of all there has been a general policy evaluation of the work of the CCWB. We should carry out the work in this format because it's a bottom up - a way of discussing this topic.

And secondly people have stressed the need to separate the discussion on substance and the process and to develop a mapping of the policies and make connections with ICANN policies and the specific rights that have been touched upon.

And maybe an - even (unintelligible) of core ICANN policies that are in interplay with rights such as normal expression and privacy.

An impact assessment too that we can use in different working groups has also been suggested. And an impact assessment could take place in the PDP level. This is something that we need to look into.

Experiences like the GNI have been mentioned as something that can offer good practices. Maybe we need to find out how to apply these principles and which principles exactly could be translated into the specific ICANN scenario.

And we can also look into local examples that have been mentioned by some people like (Javier). And we can discuss the examples the local examples more on the list. That's it for me (Neils). Thank you.

(Neils Stenover): I'm always impressed how you do that in such short time. It was excellent. So thank you very much Marilia.

Thank you very much for all the speakers that were attended. And thank you all everyone in the audience here and remotely for caring about this topic. And we're really looking forward to continue to work with you.

You stop the recording. Enjoy your day. And hope to see you at 5 o'clock.

END