

**ICANN
Transcription ICANN63 Barcelona
GNSO – NCSG CCWP on Human Rights
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Collin Kurre: Okay hello everybody. Good afternoon and to our remote participant, hello (Jamie). I see you so good day to you wherever you are and welcome to this meeting of the Cross Community Working Party on ICANN and human rights. Sorry I kind of botched that up. My name is Collin Kurre. I am joining from Article 19 which is an NGO based in London. And I am a member of the Noncommercial Stakeholder Group and the Noncommercial User Constituency. And I'm joined by Michael Karanicolas.

Michael Karanicolas: Hi. I'm Michael Karanicolas. I'm also with the NCUC and I'm with an (NGO) called the Right to Know Coalition and yes I'm Collin's co-chair.

Collin Kurre: Great. So we have several presentations to get through today and then I do want to leave time open at the end for a community discussion. Sounds like we've got some interesting perspectives to bring into this discussion that I at least haven't explored before so it'll be good to leave on time at the end to be able to, you know, bring those to the table. So I think that we can maybe go ahead and get – (Bernie) is not here.

Michael Karanicolas: (Bernie) is not here. Should I do a little introduction to the topic and then...

Collin Kurre: Yes that would be great.

Michael Karanicolas: ...cross our fingers that he will show up...

Collin Kurre: Yes.

Michael Karanicolas: ...while I'm speaking?

Collin Kurre: Yes that would be good.

Man: Well we could reshuffle and (Betsy) and I can go first.

Michael Karanicolas: Whatever you like. What are your thoughts?

Collin Kurre: We're in room 119. That would be fine. Let's do that. You guys can go ahead and go first. It's a bit out of order but we can kind of contextualize it after the fact. Next page, next page, next page. So I went ahead and made you all a placeholder slide. So let me get to it. And it came from the - well let me see where it was. If you want to just go ahead and introduce yourselves while I'm looking for the slide then would be good.

Ergys Ramaj: Sure. Okay. Hello everyone. My name is Ergys Ramaj and I work within ICANN Org the Public Responsibility Support Department. And...

Betsy Andrews: I'm Betsy Andrews. I work with Ergys in public responsibility.

Ergys Ramaj: All right, so what we wanted to do was just to give everyone just a quick refresher for those of you who've have heard this before or for those of you who have not been a part of this conversation before just an update on where

we are with the internal ICANN Org human rights impact assessment. And I want to start with a shout out that our president CEO gave us this morning at the opening ceremony where he acknowledged the fact that we are now in the process of carrying out this assessment the SO organization.

So about - a little context. About a year ago or so within ICANN Org we made the decision to undertake an internal human rights impact assessment as part of our public responsibility. And that assessment is being undertaken by a third party which is based in Berlin, Germany. And they're looking at four areas within ICANN Org -- meetings procurement, security and human resources.

Where we are in the process now is that they have provided us with a set of initial recommendations. And the functional leads for those four areas that I mentioned earlier are taking a look at those recommendations to ensure that everything that is being said is actually accurate and in fact all the (unintelligible) procedures that are in place currently. In the next few weeks we expect to have a discussion with a third party and at which point we hope to finalize the recommendations and then to communicate the findings broadly to the community. It's going to be a public report. Again we don't have a time and date for that yet but we anticipate sometime in the next few weeks.

And at ICANN 63 we'll be in a position to share those positions with the community to have a third-party represented at the table for them to share their experience, the process, the findings and address any questions they may have. And of course we will be there with them. As far as the process itself I think this is what you were mostly interested in. The way that they approach this -- and I'm sure that (Mark) is -- (Mark) is the person that is leading this exercise and has seen, have more information on this about the specifics of the methodology but there were essentially three inputs into this process that they used to inform their recommendations.

The first one is that they reviewed hundreds of documentation from each one of these four areas that I mentioned earlier and there – that’s a lot of pages right. So they went through their checklist and then they had conversations with the function of. They said, “Okay this is what we found could you elaborate on this could you correct this, could you verify this,” whatever the case may have been. They also met individuals in the region, so those who work in Singapore and at Istanbul and had a conversations with individuals from Latin America and Africa as well, so GNC representatives in the region, global stakeholder engagement representatives in the region. And the last part was an ICANN wide ICANN Org wide survey that was essentially answered by 180 plus individuals’ right, so quite significant number of individuals which makes the feedback substantive and significant.

So all in all the early signals that we’re getting from the contractors is that there’s really nothing to worry about as far as any skeletons in the closet because there aren’t any. Overall the impact assessment seems to be quite positive but there are areas of improvement for ICANN Org. And again we’ll be in a position to share with those areas are once we have the recommendations finalized. And it will be premature for us to share recommendations that may not eventually make it out to the recommendations.

So this is where we’re at in the process, happy to take any questions or concerns, any feedback that you guys may have and I hope that the timeline also makes sense but we hope that by ICANN 64 which is in Kobe, we will have a full report already published, all of the findings and engage in a discussion with the community.

Collin Kurre: I would add one note to that and that is that the report, structures, recommendations based on two criteria, so based on the significance of the human rights that’s involved with what we’re talking about and based on how much leverage ICANN Org has to solve it. So there might be some things that are really highly significant human rights but there’s not a whole lot the

ICANN Org do to avoid that kind of thing. And vice a versa there may be things where it's a very easy simple thing but ICANN has a huge amount of leverage we can just go ahead and take care of that. So the report maps those things out which helps us to make a list of priorities.

Man: Yes.

Ergys Ramaj: Yes it is a prioritized list of recommendations and it's based on how much ICANN can do about something at this point time.

Woman: But...

((Crosstalk))

Woman: I just had a - yes I just have a question. Could you give us an example of maybe something that was - that is a human rights player but ICANN doesn't have much leverage to work with it like...

Collin Kurre: Global events like earthquakes or hurricanes or terrorist attacks, you know, that's not something - it's something we can plan for and that's part of what they reviewed is what kind of plans are in place for contingency situations but that's not something that we can predict or control.

((Crosstalk))

Ergys Ramaj: Yes but it's important to mention because I don't want to read too much into the question but this is about ICANN Org and its internal operations right. This does not deal with community and the policy development process whatsoever.

Collin Kurre: Yes.

Ergys Ramaj: So the primary rights holders under this exercise are ICANN Org staff.

Collin Kurre: Yes, right.

Ergys Ramaj: Just to clarify.

Collin Kurre: And the people who attend events.

Ergys Ramaj: And the people who attend events correct.

Collin Kurre: So the extrapolation from that example is if there's an earthquake somewhere which staff does that affect and what procedures does ICANN have in place to, you know, accommodate and look after the needs and what happens and are they still getting paid, are they, you know, like...

Ergys Ramaj: Yes.

Collin Kurre: ...you know, like details like...

Woman: So basically how do you mitigate something that's beyond your control?

Collin Kurre: Exactly.

Ergys Ramaj: Correct.

Collin Kurre: That would be something that is low on the leverage. Yes. Hi.

Woman: You said that hundred and some internal staff applied to the survey. Do you know the percentage?

Ergys Ramaj: It's about half.

Woman: Okay.

Collin Kurre: Yes.

Woman: That's pretty good right?

((Crosstalk))

Ergys Ramaj: That's about half is statistically significant for sure.

Collin Kurre: It was .7% of that...

Ergys Ramaj: Yes.

Woman: Did you have like a bar for...

Ergys Ramaj: We wanted 100.

Collin Kurre: We wanted 100...

Ergys Ramaj: Yes.

Collin Kurre: ...and not more. And of the staff who answered the survey 89% did the - answered the whole thing which is statistically significant. You know, people went through the entire survey.

Woman: And that actually leads me to my second question about the survey was did everyone fill out the same survey or was it different answers to management for example versus...

Collin Kurre: It was the same survey for everyone.

Ergys Ramaj: That's right.

Collin Kurre: And the survey was designed to verify the information that they gathered through other points.

Woman: Okay.

Collin Kurre: So they had the documents, they had the site visits, they had the interviews and then they wanted to survey for all of the people who weren't necessarily the functional leads but who dealt with the - that subject matter. And they verified that things were consistent or maybe there was a different perspective so they could then go back and ask more questions.

Woman: Was there a focus though on management or on people with a bit more power in the organization of wanting to get, you know, 10% response from managers for example or some sort of level...

Ergys Ramaj: You mean in terms of the communication push?

Woman: No I mean...

Ergys Ramaj: Or in terms of the content itself?

Woman: I think sometimes the content of the questions or the fact-finding would look different based on who you're talking to. So for example people in the, you know, the C suite versus, you know, others? And then just wondering if you had a sort of different bar for how many people in leadership positions you wanted to respond to the survey or (unintelligible)?

Ergys Ramaj: Yes, so again as I mentioned earlier our desire was to get everyone to participate. The second part of it is that the survey was anonymous. There's no way for us to tell...

Woman: I see.

Ergys Ramaj: ...who took the survey. And we were not the ones who conducted the survey. There was a third party and they're the ones who designed the survey and all the questions and, you know, the methodology behind it. But our desire was to get as many people as possible. We're very happy with 50%. Again it's statistically quite significant. It tells a story. It's not 10%. It's that 25%, 30%. So, you know, given – and we also had only about a week or so to get all these responses. Our communications push was quite massive.

Woman: I have a few more but I'll just add one more question...

Ergys Ramaj: Yes please.

Woman: ...and then let other people ask. So what usually the HRA or the assessment is the first step and then there's a whole lot of work that comes afterwards.

Ergys Ramaj: Yes.

Woman: Is there a sense of what the timeline would be like for that or is it just going to be determined based on...

Ergys Ramaj: Yes our approach is let's walk before we can run. Let's look at what the recommendations are. Let's look at what the resource implications are both financial and otherwise. And depending on the nature of the recommendations I think that would dictate how long it takes, what with the resources are and we will plan accordingly.

Woman: And that would be part of the report I imagine like actually...

Ergys Ramaj: Everything.

Woman: ...prioritization...

Ergys Ramaj: Absolutely.

Woman: ...and then timelines laid out.

Ergys Ramaj: Yes, yes. Then within ICANN Org once we have the report we will also identify a group or a department or an individual whatever the case maybe to implement the recommendation and charge of implementing the recommendations. You guys (unintelligible) someone else but it's also...

((Crosstalk))

Collin Kurre: I've also got a couple questions. And I'm really glad to hear that maybe the (loading) team will be joining us in Kobe because that would be really nice to be able to ask them questions as well as...

Ergys Ramaj: Yes.

Collin Kurre: ...the people behind this. I just noticed when you were giving - so I'm...

Woman: Collin sorry just a quick reminder to state your name before speaking please for the transcript.

Collin Kurre: Oh, Okay.

Woman: And I'm just going to record the (CC) room very quickly. Okay please go on.

Collin Kurre: Thanks. So this is Collin Kurre for the record. I just wanted to note I'm referring to this – or I often look at this May 2010 blog post that you guys put out. It was about mapping human rights...

Woman: It's is where I got this image and I realize that the timeline is a bit off but I thought it was so useful of the stats on here.

Collin Kurre: Yes, yes. So I wanted to know I thought that the four categorizations that were laid out at first were human resources, procurement, events and implications of running worldwide offices.

Ergys Ramaj: Security offices.

Collin Kurre: Security office. Yes wanted to know because I - okay so security. You're primary focusing on security.

Ergys Ramaj: Correct, correct.

Collin Kurre: Okay in terms of security the staff physical security...

Ergys Ramaj: Correct and those who attend events.

Collin Kurre: Okay.

Ergys Ramaj: Yes.

Collin Kurre: Okay. So...

Ergys Ramaj: Change to make it clearer...

((Crosstalk))

Woman: But it's also security of the offices themselves.

Ergys Ramaj: Correct.

Woman: And so it's the implications of running the worldwide offices, the physical offices.

Collin Kurre: So is there anything about like for example like data security or like data protection the privacy...

Ergys Ramaj: Absolutely.

Collin Kurre: Okay great. Maybe we can get one of those data maps that we been asking for in the EPDP. Maybe that'll be a result. So another question that I had was if you had any plans to conduct future human rights impact assessments. Yes, I'm seeing you nod your head, yes great. So in the future would there be any kind of – do you anticipate that there would be any appetite, any redrawing the bright line of stakeholders and I just...

((Crosstalk))

Collin Kurre: Because I understand that in this situation you were looking primarily just at staff as the rights holders.

Ergys Ramaj: And people who attend the events.

Collin Kurre: And people who attend the events right, correct participants, meeting participants. I was wondering if in future human rights impact assessments when we're running with this if there might be any kind of vision to draw that bright line to expand that corral and maybe attempt to look at ICANN Org's effect on the ICANN community in other ways in other ways other than just as meeting participants?

Ergys Ramaj: Yes. I would say that at this point in time probably not be able to commit to any specific future HRIAs on – and also their scope as well. But it would be something that with the community we would have a conversation. And if it is deemed that that's something that we ought to do and we need to do...

Collin Kurre: And that...

Ergys Ramaj: ...then by all means...

Collin Kurre: (Unintelligible) resources on...

Ergys Ramaj: Yes, resource implication again is and absolutely yes. But I don't think we can commit to anything specific at this point in time.

Collin Kurre: Okay. That's reasonable. So spoiler alert one of the questions that I submitted through the NCSG to the board was about whether or not the methodology for the human rights impact assessment would be made public. So that question is coming to the board tomorrow. But I wanted to ask you as staff if there was any kind of intention to release the methodology and make the actual, you know, raw publication...

Ergys Ramaj: Sure.

Collin Kurre: ...public to - available to the public.

Ergys Ramaj: I answered that question already but you will hear about it tomorrow and I'll tell you today yes, yes.

Collin Kurre: Okay great. Okay perfect.

Ergys Ramaj: Un-redacted version and yes it'll be out there for anyone to see.

Woman: Thanks. And hopefully (Marcus) and his team will be able to join us in Copenhagen. And that would be a part of what they would present to explain the context...

Ergys Ramaj: Yes.

Woman: ...of the report.

Collin Kurre: Excellent. And then one last question, what happened to the timeline?

Ergys Ramaj: The need to have internal discussions to make sure that the information is correct. There are also assumptions that may go into it because as the third party is reading documentation there's a certain level of subjectivity to it as well. So we want to make sure that whatever information they looked at was understood correctly and vice versa. So we're having that conversation now. And also the timing of the ICANN meeting was right in the middle. And it just so happens that...

Woman: And the timing...

((Crosstalk))

Woman: ...of the previous meeting also pushed...

Ergys Ramaj: The staff perspective we need three to four weeks to prepare for a ICANN meeting and there's a bunch of other projects that we're working on so we had to prioritize and ensure that we have this conversation both at the executive team level and then, you know, across the organization. And we want to make sure the organization knows about it first because they are the primary rights holders. We haven't shared information with an organization either because we want to make sure that whatever output that we, you know, is final before we share it with anyone.

Woman: Accurate yes.

Collin Kurre: So great. Well it sounds like you guys are being really thorough.

Woman: Yes.

Collin Kurre: And congratulations on the mention this morning. It made my day. That was very exciting.

Ergys Ramaj: Yes thank you.

Collin Kurre: Yes.

Ergys Ramaj: We lose all our brownie points.

Man: There is none left for implementation.

((Crosstalk))

Ergys Ramaj: We'll see. I'll buy some more.

Woman: We're moving on to (unintelligible) point.

Collin Kurre: Have you got any other questions for them? Yes?

Woman 1: Hi. My name is (unintelligible) but I can comment on that later on for the transcript. Thanks for - so I'm a newbie. That's why...

Collin Kurre: Welcome.

Ergys Ramaj: Welcome.

Woman 1: I was actually (unintelligible).

Man: No, no it's an open...

Woman 1: So no, no I meant that the audit wasn't done for...

Man: Oh apology.

((Crosstalk))

Ergys Ramaj: To the organization yes.

((Crosstalk))

Woman 1: So I guess (unintelligible) is there another group is assessing (unintelligible).

Collin Kurre: Stay where you are.

((Crosstalk))

Collin Kurre: Don't move.

Woman: But I do have another question because you said identity a couple of times (unintelligible) identities for events. And I should clarify when we say people at events we don't just mean the attendees. We mean the (unintelligible) staff that's hired to come and...

Woman: Oh yes.

Woman: ...you know, the ushers you know how they point is in the right...

Woman: Right.

Woman: ...direction.

Woman: Yes.

Woman: So people who are at the physical event.

Ergys Ramaj: So the context for the questions is are those individuals vetted?

Woman 1: I see.

Ergys Ramaj: How do we know?

Woman 1: I see okay. I guess then participate (unintelligible) attendees. Again I think this would come under the (unintelligible) but are you (unintelligible) initiatives to see that people like (unintelligible) that they're supposed to be tightknit community but if they're, you know, are you thinking of whatever...

Collin Kurre: That's the other part of what our department does.

Ergys Ramaj: Yes. But not in the context of the human rights (unintelligible).

Woman 1: But is just like that was...

Ergys Ramaj: Correct, correct, correct. So we run our - the newcomer programs actually are one of our department responsibilities (unintelligible) fellowship next gen newcomer programs as well. And that's...

Woman 1: But who does the outreach with them? Is...

Ergys Ramaj: Every yes.

Woman 1: (Unintelligible) who you don't or letting know (unintelligible).

Ergys Ramaj: Yes so our global stakeholder engagement team has a footprint in over 30 countries and they are the ones who are the face of the organization by and large but also other departments within ICANN Org whenever they engage with individuals through various events around the world, they also do outreach and engagement.

Collin Kurre: I'm afraid I'm going to have to – or do you want?

Bernard Turcotte: Well just to add into the engagement part.

Man: You should name yourself for (unintelligible).

Bernard Turcotte: Oh sorry Bernard Turcotte. There's a requirement in the Work Stream 2 recommendations for SO and AC accountability that the SOs and ACs document their outreach plans.

Ergys Ramaj: That's right.

Bernard Turcotte: ...for their potential members and interested parties.

Ergys Ramaj: Yes. So from the org perspective is what I mentioned and from the community side is what (Bernie) is mentioning so that's the holistic view of the engagement that takes place at a high level of course.

Collin Kurre: And the folks in the office they're (unintelligible) very nice so I'm sure that they'd be happy to answer any more questions that you have. And I think this may be a really good segue to come to allow you to give us maybe an update on these Work Stream 2 activities also may...

Bernard Turcotte: Apologies for being late.

Ergys Ramaj: Thank you.

Bernard Turcotte: My calendar decide to put this meeting at another (unintelligible).

Ergys Ramaj: Thank you guys. Appreciate it.

Collin Kurre: Yes, yes they're for you. Yes feel free to take the Betsy.

Bernard Turcotte: All right Bernard Turcotte for the transcript or whatever. I'm a contractor for ICANN that worked on Work Stream 1 and Work Stream 2. What's the update? The update is that we – Work Stream 2 submitted it's

recommendations to the charting organizations at the last ICANN meeting at the end of June in Panama City and requested that the chartering organizations approved by the end of this meeting.

Currently we have two approvals which is the GNSO and just a few minutes ago the ALAC. We are expecting the ccNSO by the end of Wednesday and I've made a request of the ASO and the SSAC to have an update. I don't expect a problem from the SSAC. The SO is just reminding them that they have to do it so that should be okay.

What will happen with the GAC is the usual unknown. We have no idea how the GAC is going to deal with that approval or not at this meeting. We have started internally preparing an implementation team from the staff side. The Work Stream 2 at its June meeting when it closed down after submitting its final recommendations for approval established a committee to work with the ICANN implementation team. So it's an implementation oversight team from Work Stream 2 which consists of the co-chairs and the rapporteurs from each of the groups.

Collin Kurre: So that has been, you've kicked that into action. You have contacted the co-chair and the rapporteur?

Bernard Turcotte: No they were done in - they were advised in June but there's nothing to do because this is the group to work with the ICANN Implementation Team, the staff team and there's nothing that's going to go on until it's been approved by the community.

Collin Kurre: Okay. That was going to be my main question was about the implementation team.

Bernard Turcotte: Yes.

Collin Kurre: So what does it look like on the staff side?

Bernard Turcotte: On the staff side right now it's myself and Karen Mulberry that's responsible.

She started drafting some plans but really we're on standby until we get to see an approval from his staff point of view. And that's quite normal because it's not that once the community approves it it's finalized. If you look at the steps the community, the charting organizations approve it and then we transmit it to the board. The board gets the final consideration and we have to wait and see if there will be any returns because if you look at the process the charting organization can object and request a reconsideration of any of the recommendations which would cause Work Stream 2 to reconvene to consider those.

Similarly there is a process in the approval sequence whereby the board can request a reconsideration of some recommendations. Now we did our homework in Panama and it was a lot of work but we believe that we have an implicit approval from the board if it is approved by the charting organizations the way it is. So we are not expecting any significant divergence from the ICANN board versus the Work Stream 2 recommendations if we do get submitted to the board as is but that is our expectation right now.

Collin Kurre: So is there any timeline within sight of what kind of timeframe we're looking at for implementation?

Bernard Turcotte: No. Right now we haven't looked at it because it's going to have to be built in. There's going to have to be a discussion with the community about how to prioritize because let's be clear. And if you want some interesting reading it's very short. If the ALAC approval of the Work Stream 2 recommendations which recognizes that it may require significant investment by both ICANN and the communities. And they're asking that ICANN be aware of this and minimize the impact on the community when looking at implementing.

So they're – unlike Work Stream 2 where there was an immediate calendar this is not the case. This has been discussed at several meetings. Everyone

is aware of this. The implementation plan and the prioritization will be developed. The community will have a chance to look at that how we prioritize this because A, just from the work point of view there is no way the almost 100 recommendations that are in Work Stream 2 set of recommendations can be approved in quick fashion.

Some of them will probably require some bylaw changes. Others require some significant staff processes to be changed. If you look at staff accountability there is some significant changes there, so not all of that can occur overnight. There is going to be also some resourcing issues. Obviously some of the requirements are not directly under ICANN but they're on the SOs and ACs but they do require, you know, time and effort. And volunteers should concentrate on their what they're supposed to be there and not really background work so there will be a discussion with the community as to how to resource this in overtime how that works. Does that answer your question?

Collin Kurre: Yes it does. So I one more question from my side so if anybody else wants to jump in after feel free. So is there – it was quite convenient that all of the related discussions to human rights transparency diversity were located in the Work Stream 2 section of the wiki.

Bernard Turcotte: Yes.

Collin Kurre: It was very convenient to have that kind of forum watch this space feel.

Bernard Turcotte: Right.

Collin Kurre: What - is there plans to resuscitate that for the implementation phase or has there been another body or something where these conversations will be centralized so that we as a community can kind of keep track of how things are progressing? I can't give you a commitment but what I will tell you is it's pretty much standard operating procedure. I imagine once we get an okay from the board we'll be kicking off a project space on the wiki and exactly

what will be there I don't know. But I mean it's our modus operandi right now. There is no reason to keep any of this secret.

Collin Kurre: No.

Bernard Turcotte: Rather the contrary. So yes I imagine they'll be – there'll be that kind of...

Collin Kurre: No, and to be clear my concern wasn't that it would be secret. My concern was rather it would be hard to find which is sometimes the - I keep stress on the – on the ICANN Web site it's just difficult to find the documents I know exist. I have to use Google to find them.

Bernard Turcotte: Right.

Collin Kurre: So...

Bernard Turcotte: No we should probably...

Collin Kurre: That's good feedback as well.

Bernard Turcotte: Yes we should probably use standard structure. It'll probably be under projects but, you know, that's not my part of the world. We'll see where it best fits and the community will be advised at that point.

Collin Kurre: Great. So I realize this is a rather niche discussion – but if we're going to kind of connect the dots and say how it connects, how it relates specifically to human rights now. But if anybody else has any other questions please...

Woman: I have a question. So is there a timeline for when the feasibility assessment report will be done post implementation by the board?

Bernard Turcotte: No because we're waiting to have the actual okay from the board, you know, to proceed once it's approved. So I think the sequence will be the board will

get this. The board will give us the okay to do the implementation review so that we can send it back to the board so they see how they want to approve it and then we move ahead with implementation.

Woman: So there's two board approvals then...

Bernard Turcotte: Well there's not really a board approval of Work Stream 2 is once the board gets it they have to sort of hand it off to staff to do implementation evaluation. And that part of if you will a standard package when the board looks at significant projects is they want to know what they're approving. In the case a Work Stream 1 it was a completely different situation whereby they were approving getting the separation and there was a real wall coming at us so that was done. But if you look at the standard operating procedures when big projects come up you need to see how and what you're going to do and kind of timeline. So that hasn't been done and that – it would be a waste of time to try and do it until we're sure it's been approved by the charter organization.

Woman: Does it usually take time for that report to be generated into a post-implementation? I mean what the timeline...

Bernard Turcotte: It depends on the size of the project. Now if it's not a small project. The problem is, is that it touches on a lot of things. It's in the organization. You know, it's not one department. It cuts across all departments in the organization to have in some areas significant impact. So I would rate this one as large as the minimum and that means it's going to take a bit of time to do the homework and see what's going on. Also as I mentioned earlier there's going to be some discussions with the community about how to prioritize some of these things. And different parts of the community see different things differently right? So but from a corporate point of view we have to look at this as it's got to be one plan and one set of priorities but the communities have to come together on that part.

Betsy Andrews: This is Betsy Andrews for the transcript. I would add to (Bernie)'s great explanation that one way to think about it particularly for newcomers is when it goes back to the board the second time that's when the board is making it Goran's responsibility as the CEO of ICANN Org.

Bernard Turcotte: Right.

Betsy Andrews: So that's a way to think about the community and the board and the org and that's the function where the feasibility happens. Then it becomes Goran's responsibility whereas now it's in the ether.

Bernard Turcotte: Yes the second approval will – should have a multi-year budget on it the prioritization of those projects, staffing work requirement blah, blah, blah. And once the board looks at that and they have discussions, they approve it then as they said it goes to Goran as the CEO and it's his job to implement as per the plan that has been approved by the board.

Collin Kurre: Great. Thank you much. Thank you very much. That was a very comprehensive overview.

Bernard Turcotte: All right.

Collin Kurre: Thanks.

Bernard Turcotte: (Unintelligible).

Collin Kurre: So really quickly since our agenda got a little bit reshuffled we were going to start off with a little brief explanation of the charter of the CCWP and kind of what our goals and missions are -- things like that. Would that be useful for you - for us to run through very quickly before we go on to the meat. Okay great, go back up to the top of this agenda than.

So you are in a meeting of the Cross Community Working Party on ICANN and human rights. Based on our charter we were chartered within the Noncommercial Stakeholder Group. However this is a unique body. You notice that you don't see very many CCWPs running about. And this is unique in that although we are chartered within the NCSG membership and participation is open to any interested community member. So from our charter, our objectives and responsibilities largely pertain to research and the generation of ideas. This is kind of like a little mini think tank within the NCSG designated to mapping the human rights effects of ICANN's operation and policies. And when I refer to ICANN here I'm referring to ICANN kind of more broadly. As community org board we're not really too terribly concerned about that distinction as it pertains to our charter.

So yes providing a form for related discussions and I'm quite interested in seeing how these discussions will progress particularly when we get into the implementation phase of the Work Stream 2 recommendations. This - I think that this type of space where you can kind of come and think about how things like diversity or transparency or human rights will be progressed will be quite useful. Yes research ways to better align ICANN's human rights practices with human rights standards or policies and practices of human rights standards and then provide information or propose different kind of mechanisms or ideas to supporting organizations, advisory committees, the board and org. So like I said we're kind of like a little think tank within the NCSG but anyone can come, anyone can participate. You're all welcome to subscribe to our mailing list and contribute ideas, okay? Great.

So this is one of our original kind of trademark or not trademark, hallmark images that was coming out of actually Work Stream 1 which produced the change in the ICANN bylaws to include a mention of human rights which Michael will talk to us about momentarily. And then this is just a little brief overview of some of the work that we've done in the past. This is now our 13th ICANN meeting of the CCWP so we've actually been around for quite some time. And lot of the early research projects we're looking at ICANN

through a corporate social responsibility lens which Betsy will attest to is very important to them. It resonated since 2014 it's - and kind of culminating in this human rights impact assessment carried out by ICANN Org. We've seen a lot of really, you know, laudable progress on that front.

And now we've kind of gotten into the nitty-gritty a bit more and now we're looking at specific human rights, specific policies of the community and how they interplay with each other. And we've got copies of paper here that we've - our most recent paper here at the bottom and then a copy of a draft human rights impact assessment for ICANN PDP here, so you're welcome to take copies of these. They're on the table please. All right, great I'm going to kick it over to Mike and he's going to tell us about...

Ron Andruff: (Unintelligible) Michael.

Collin Kurre: Yes?

Ron Andruff: Collin just one quick question, Ron Andruff for the record. So do I understand this correctly that in 2014 this initiative within the NCUC or NCSG was bubbled up and it actually flowed that into ICANN. This is something that you anticipated or was it a cooperative activity where ICANN says we need to be doing something, you guys said well we're the guys to do it? How did this evolve or where did it come from?

Collin Kurre: To be honest my institutional memory is not as great as those of other people here because I actually joined the community a year ago so I'm not so well versed with the nuances and nitty-grittys of how this came up. But I think that it relates to ongoing efforts of Work Stream 1. There was - it was identified that there was a need for this kind of like (unintelligible) research related to human rights because it was cropping up in a lot of different spaces. So it was a community led initiative and the place where we found residence, the place that agreed to charter us was the NCSG.

Ron Andruff: Okay that's it, very good.

Collin Kurre: Yes.

Ron Andruff: Thank you very much.

Betsy Andrews: Collin I'm - this is Betsy Andrews for the transcript. I'm staff so I'm possibly not the right person to answer this question but I do know in the context that the reason that it brought together as a cross community working party as opposed to a cross community working group is because it didn't want to be restricted to one particular task and outcome as you have to do in the charting process to become a working group. And NCSG at the time was the right home for a cross community working party for this particular subject. So part of the idea was that you could have a broader discussion. You don't have to work towards a single (unintelligible).

Bernard Turcotte: Excellent. That makes a lot of sense. Thank you (unintelligible).

Collin Kurre: Okay great. So turn it over to you.

Michael Karanicolas: So building beautifully on that conversation were going to travel back in time. We can go to the last slide can't we? And I do not have slide control so...

Collin Kurre: Would you like slide control? (Unintelligible) next slide.

Michael Karanicolas: (Unintelligible).

Collin Kurre: Okay.

Michael Karanicolas: Michael Karanicolas for the transcript. So we're going to dive a little more deeply and provide a little more context as to where we came from and how we got to here. So as you can see there the genesis of this as was mentioned

was in some of the discussions connected to first Work Stream. And that itself is connected to the IANA transition. So as ICANN prepared itself to cut its ties to the US government and sale as a free and independent organization there were a number of different work streams, working groups that were chartered as part of Work Stream 2 in order to buy and improve certain issues connected to that transition basically to provide a few different improvements in order to enhance the confidence that ICANN as an independent organization would work towards the public interest and be an independent and accountable organization. So as part of that there were eight cross community working groups set up including on issues connected to ICANN's mandate like transparency, jurisdiction where ICANN would be operating, the ombudsman's office all designed to improve accountability and the organization's ability to perform its function independently.

One of those was human rights. And that cross community working group was focused on understanding how human rights should be understood in ICANN's context. So can we get the next slide please? So also connected to this IANA transition was a bunch of changes to the bylaws. And that included the insertion of what you see ahead - what you see on the screen which is a human rights core value. So basically what that meant is that there would be human rights considerations attached to ICANN's and work. As to - you can read that yourself but what that means is that within the scope of its mission and within the scope of the implementations that we all understand buying ICANN's operation it will act respecting internationally recognized human rights as required by applicable law.

Now there was a caveat when that was passed. Next slide please, namely that that core value would not come into effect until a framework of interpretation for human rights was approved. So this was the main task for the human rights stream, the human rights subgroup in the CCWG of Work Stream 2. So basically the bylaws were revised to have this human rights consideration but it wouldn't take effect until there was this secondary document flushing that out. The Work Stream 2 subgroup which we just

heard about connected to human rights was developing that framework of interpretation. That's now been finalized and is in the process of going through approval by the different mechanisms across ICANN.

So that framework of interpretation we can go to the next slide please. So that framework of interpretation is not here but available. It's...

Collin Kurre: It's posted on their Web site icannhumanrights.net.

Michael Karanicolas: Yes it's posted on their Web site. You're all encouraged to check it out because a lot of hard work went into it including by a lot of people in this room. And so basically the idea is that it kicked a - it provided a framework of interpretation but it also left it up to each different SO and AC as well as a ICANN organization to develop their own policies and mechanisms and frameworks to fulfill that core value. So it provided some values but it left the actual process of implementation in a very decentralized way.

The SOs are able to consider defining and incorporating human rights impact assessments into their PDPs. And that's going to be a very important task for the different SOs and ACs going forward. When we reach the implementation stage we do have a draft human rights impact assessment model that you can look at which is – provides an introduction to how something like this might be carried out. So this is going to be a big part of conversations moving forward is to develop that.

And that's I think one of the core purposes of the CCWP and one of the reasons why the CCWP's operations kind of cuts across Work Stream 2 and beyond Work Stream 2 because fundamentally the research and the ideas that are meant to be generated here should hopefully be useful to these processes of developing human rights impact assessments and understanding human rights frameworks at the different (unintelligible) AC levels.

So fundamentally one of the big value adds that we hope to provide to the ICANN community is developing those ideas and allowing those conversations to take place with representatives from different groups in order to foster a better avenue towards implementation and implementing human rights ideas. So I think the next slide is back to the agenda.

Collin Kurre: Yes. I think that we could note here it's based on what (Bernie) has told us it might be preemptive to go ahead and start looking and kind of really digging into this proposed model just given that nothing is really going to happen until the board approves this. And we're not sure when that's going to happen. So when we first started working on this I think that we were all being quite optimistic about timelines and we were trying to take two steps ahead and put a rabbit in the hat, you know, to be able to have something to start working on as soon as things clicked in action.

But seeing as it's moving at a rather glacial pace I think that perhaps we can keep these conversations to the mailing list and with the full acknowledgment that HRIAs, Human Rights Impact Assessments aren't – don't necessarily have to be the only way. We had a really lovely suggestion from a (unintelligible) well actually saying, "Well what about a code of conduct?" That's a great idea let's bring it to the mailing list. Let's explore it together.

So I'm just saying this because I'd like to turn it over to the next presenter, Akriti who's going to talk to us a bit about a diversity analysis that she has carried out. And then maybe after that we can move into the community discussion and see what people have on their minds, see what's on the table if we want to talk about this, if we want to talk about that, then that's fine. I want to make sure that we have ample time for exchange. So Akriti, I've got your slide here. So just say next slide when you want me to change it.

Akriti Bopana: Next slide.

Collin Kurre: Okay. Next slide.

Akriti Bopana: Hi. So I'm Akriti Bopana. I work at a Center for Internet and Society in Bangalore, India and a lot of our work at ICANN centers around trying to make a (unintelligible) more accountable transparent. And since Work Stream 2 recommendations are out and now approved by two, when Collin and I were talking we thought it would be a good idea to start the conversation about diversity that being first approved anyhow.

So I want to talk about how multi-stakeholder ICANN is. We have conducted a few diversity (unintelligible) in the past. One of them centered around the IANA transition. And when I (unintelligible) and I wanted to mention that that's something we're focused on now. And we conducted this analysis to sort of see that how multi-stakeholder it really is. We (unintelligible) the At-Large community for the Internet end users. And what we - the next (unintelligible) so the timeline we chose was from January 2016 -- Collin next slide -- from January 2016 to May 2018. We analyzed the five most active mailing list of their working groups. We chose mailing lists because all stakeholders around the world that's mostly how our communication ends up taking place. So we thought it would be a good idea to see how diverse the participation on the mailing list would be. So the five lists were outreach and engagement, technology, the At-Large from (unintelligible) 2019, the IANA transition and the ICANN accountability along with the finance and budget mailing list.

To determine the number of active participants on the mailing list by seeing who attend more than the (unintelligible) number of meals in their working group I have (unintelligible) anyone stop me after the presentation and get into the details of how many meals et cetera, was sent to verify some of our selections.

So we looked at the diversity among these participants while focusing on the gender, stakeholder grouping and region. We arrived at the data by looking at basically public information (unintelligible) statement of interest given to the GNSO Council, ICANN wiki LinkedIn, et cetera.

What we found was that a total of 218 participants were present on the five mailing lists and out of those 92 which were what we arrived at as the active number and out of which 75 were non-staff members so we didn't include staff members in this analysis. So from the diversity what we can tell is that 75% of the participants were male and 25% were female. Of course there might be some adults in that data but we're pretty sure that it wouldn't impact very heavy the results of the data. Stakeholder group-wise most of them were from industry and heavy use of the industrial, a few from academia. There were a few the other that you're seeing which is about 8% are of people that we can't exactly tell which stakeholder they belong to but they sort of relate to law and consultancy then (unintelligible) and diversity.

Woman: But it's interesting that there's so few governments.

Akriti Bopana: Yes.

Woman: Wow that's notable.

Akriti Bopana: Yes. And I'm getting that also...

((Crosstalk))

Akriti Bopana: ...most people contribute on...

((Crosstalk))

Akriti Bopana: That most people contribute at GAC and (unintelligible) I mean and will be the end users...

((Crosstalk))

Woman: Exactly.

Akriti Bopana: So easily this is what we saw (unintelligible). After the (unintelligible) a really high percentage those on that we're not also sure if – I mean (unintelligible) that Asia - I mean Asian, African-American and things like that whether this would sort of feed in whether it comes from the south – I mean the North America bid or the Africa bid because we tried to be accurate with the (unintelligible) but then it's sometimes hard to tell where they're based out of or what they also identify as. This is the region, I mean regional levels.

And we had a few potential concerns emanating from this data. Firstly obviously the vast number of people participating is male and 3/4 of the participants. Most of the mailing list people predominantly from industry there's all the other stakeholders are quite minor in comparison. So also what happens is this how it takes place and people who want to contribute from other stakeholders and also be sort of overshadowed and not want to contribute given that their stakeholder grouping is not very represented so individual voices can sort of be blurred down in that.

Only 14.7% of the participants were from Asia. I mean over half the Internet users were (unintelligible) belonged to Asia so that is obviously quite troubling. Within Asian itself we found only one participant actively from China, again the highest number of users so that's quite disturbing at the same time.

Now going on to the ICANN organization list, so most of the (unintelligible) to recommendations relate to the organization. But it's very hard to ascertain any data of the diversity of ICANN as an organization. We find quite a few (unintelligible) to try to find out. But one that we (unintelligible) is too often sort of very sensitive and (unintelligible) breakdown but then they told us that they can – they don't have this information to give it to us. And the other one that we find was to see basically we're trying to find out if this agenda (unintelligible) within the organization. Again they had that sort of data available only for two countries (unintelligible) and US because it's mandated

by the law to have that. But for that they couldn't give it to us because this was confidential and the others they don't have data itself.

So for an organization that claims to be I mean equal (unintelligible) and things like that it's sort of hard to back that up if you don't have the data to prove the same. So these (unintelligible). I mean it also makes it much harder as a community to know how much work should be put in, how much the organization needs to sort of progress so only also from the staff. And if you don't know the – if you don't have such data to improve upon it's hard to know whether, you know, at what point do you stop any active measures to promote diversity, how much work you have to do, et cetera. So we hope that the implementation of to begin with the WS and diversity recommendations will start the conversation and try to resolve some of the these issues with the lack of diversity you have at ICANN. (Unintelligible).

Man: I have a question.

Akriti Bopana: Yes?

Man: So in terms of (unintelligible) the employee industry how do you see...

Akriti Bopana: Yes.

Man: ...the data lake from going to the LinkedIn or wiki.

Akriti Bopana: Yes.

Man: The thing is that they might be doing a day job at industry but they may be (unintelligible) a commercial view at At-Large or NCSG right?

Akriti Bopana: Yes.

Man: So how do you attribute that – how do you refer to that (unintelligible) statement...

Akriti Bopana: Yes exactly. So for that not so much LinkedIn because like you said they could be doing something else professionally and personally representing but a lot of them came out from the statement of interest (unintelligible). So you have to specify this and the insurance group is given - I mean they talk about what they're doing a ICANN so mostly from that is how we deduced which...

Woman: Good question.

Man: Thank you.

Woman: Yes.

Woman: Very good question.

((Crosstalk))

Man: Yes.

Man: I'm sorry.

Man: No go ahead.

Ron Andruff: Ron Andruff for the record. You talked about the low participation from Asia...

Akriti Bopana: Yes.

Ron Andruff: And I just wanted to know if there's any data that would reflect back whether there was a language issue that there's a lot of things happening, a lot of discussion is happening (unintelligible) for people don't really engage with (unintelligible) or is there anything like that that you might've survived?

Akriti Bopana: That's something just as I thought that of course but we didn't delve into the (unintelligible). I mean that's the (unintelligible) that's something we say here to see how much the language barrier prevents people from communicating. So I feel like that's actually good idea for a next sort of survey we can do yes. Thank you.

Woman: (Unintelligible).

Woman: Yes.

Mallory Knodel: Yes a couple comments we'll just off of that one it might be interesting too to look at diversity statistics and other SGOs so like the ITS would be interesting because that's very technical but I think that diversity is way different.

Woman: This is about actually working and...

Mallory Knodel: I know (unintelligible) about that. And that also might give an indication if that actually may be not a language barrier maybe there are other things because you have even a more technical space with different diversity distribution than what is indicated about how ICANN functions.

Akriti Bopana: (Unintelligible) is providing that and again to just see how globally, I mean what the Internet governance for participation by people and I'm trying to get a bigger picture of ICANN and the (unintelligible).

Mallory Knodel: Right. I mean my sense is that they're just very different internally in a cultural way. I mean it would just be good to be able to (unintelligible) I'm looking for too. But my comment was actually about I mean just the fact we couldn't get the statistics because, you know, even like Facebook and Google released this information. I mean it's not something that people need to feel like it's an attack. I mean it really is like what you're saying, there's a whole host of reasons why one might want to look at that. And it actually - but I mean I

understand there are privacy implications so this is disaggregated demographic data so there shouldn't be a reason why would it be.

Akriti Bopana: That's exactly what we're trying to sort of...

Mallory Knodel: Yes.

Akriti Bopana: ...appeal to (unintelligible) the information we asked for didn't – we didn't ask for people's name...

Mallory Knodel: Of course.

Akriti Bopana: ...right so we asked for representation. That shouldn't be really difficult to provide. But it's either I mean if you don't have it then that would be a good way to start...

Mallory Knodel: Gathering and attracting it. Yes. By the way this is Mallory Knodel for the record. Sorry I forgot. And then yes I just wonder if you had plans to maybe to talk some more about this and maybe file another (unintelligible)?

Akriti Bopana: Yes we're trying and we're also looking at appealing the one that they give us...

Mallory Knodel: Yes.

Akriti Bopana: ...because and also to see the ombudsman how that process...

Woman: Yes.

Akriti Bopana: ...goes because yes, because we don't think that any information has had any - we just wanted mentality sort of things.

Woman: Yes.

Man 1: So I that was all really, really interesting and particularly the breakdown whose participating. I wanted to ask a quick note of clarification and then just make a couple of comments. Regarding – so when you said you were looking at active participants...

Akriti Bopana: Yes.

Man 1: ...people who were participating more than the median...

Akriti Bopana: Yes.

Man 1: ...you weren't looking at the total number of people participating right...

Akriti Bopana: No.

Man 1: ...the total breakdown.

Akriti Bopana: Yes.

Man 1: Because I think that would also be a really interesting thing to look into beyond just active participants. What does the community actually look at?

Akriti Bopana: Yes. So I think that's – and (unintelligible) so what we were looking at how people actually engage in the mailing list where the number of people - I mean a lot of times people send one - I mean a lot of media for these groups were not very high either but...

Man 1: Yes.

Akriti Bopana: ...because then you're just charting the number of people who are, would enter the process which is –which could be significantly this is people

engaging in the process. So that's what we chose to focus on for this analysis.

Man 1: But it sounds like you're focusing on high engagement as opposed to any level. So...

Akriti Bopana: Yes, yes, yes, yes.

Man 1: ...if the person during your research period...

Akriti Bopana: Yes?

Man 2: ...sent one or two emails I would consider that as a person who is at least involved in the process...

Akriti Bopana: Yes, yes, yes that's true.

Man 2: ...even if people drift in and out.

Akriti Bopana: Yes so we were looking at a higher engagement. That was the focus.

Man 1: And have you – as someone who is on NCUC EC because when I was looking at that I was thinking like oh my God do us. I would be very interested to see numbers like that from the EC. We have the EC chair here who I'm sure would also be interested in that (unintelligible) chair. So I hope that you would consider on expanding that out to consider the NCUC as well.

I would also be really interested in drilling a little more deeply into the industry representation at At-Large. We just had a session with conflicts of interest and potential capture. At-Large came out and where the opinions and the representations are coming from. So that's a big number of people coming from industry. Okay it looks like kind of a red flag for me. And I do understand what you say that like if it had a technical (unintelligible) I would be interested

first of all in seeing more about how that was defined and also how that breaks down by category. So if a guy's like a technical engineer or systems or (unintelligible) whatever and he does ICANN in his time off like that's less of a risk...

((Crosstalk))

Man 1: ...then if he's a trademark lawyer or if he works for Facebook or Amazon or a registrar. So the level of conflict and the potential for capture is there and I'd be very interested in seeing more information about that category.

Akriti Bopana: I think that's the way to take it forward to asking - I mean this is more for an end-user sort of analysis but now to take it forward and talk to (unintelligible) NCUC and into the constituencies themselves to get an idea of the people who are I mean also physically participating and to build on that, on what you said.

Man 1: And it is...

((Crosstalk))

Man 1: Just one more thing because you mentioned the (unintelligible). I think so I was the rapporteur for the transparency subgroup.

Akriti Bopana: Yes.

Man 1: And I've also done lots of work on rights information previously. Yes the (DA DPI) ICANN does not work the way (rates) information laws do and that's a problem in my mind. And especially coming at it from an India perspective where there is a very robust rights information law enforced and you ask a question and you get an answer. The systems are not perfect but the officials have to try to find you an answer.

The way that it works at ICANN the type of responses that you get are fundamentally different. And you probably know this but just say to the room the way that it operates is fundamentally different in so far as what you get back when you file a Right to Information Act Request in India or and in most countries where have - you have these laws in place is documentation connected to your request or statistics or data or something that's directly responsive.

(Unintelligible) what comes out of DIDP is not original documentation. It's almost like a press release. So it's treated less like an asset, less like it access information policy where you find documentation that exists internally or it can be developed internally or background documentation and more like well we've been asked a question. Let's prepare a response of this particular issue which is problematic because you're getting a prepared process response as opposed to the original documentation and the value of right to information systems, a huge part of their value is meant to be kind of peering inside governmental decision-making processes. And the DIDP doesn't really serve that function.

I would very much encourage you to go through the appeal mechanism. It's in the process of being approved as a result of (unintelligible) recommendation so it – that - those improvements haven't taken effect yet. And I can't really speak to how well it works at the moment but please do take that forward because we need people to engage in the DIDP and we need people to follow appeals to test the limit of exceptions which can often be over - applied overly broadly in my experience.

Collin Kurre: Could you have – Collin Kurre for the record. Could you remind us what the Work Stream 2 recommendations relating to DIDP are?

Man 2: Oh there was 35 of them.

Collin Kurre: Okay.

Man 2: So I can't go through all of them but that included – it included significant narrowing of the exceptions so that exceptions are now viewed through a harm based filter in line with better practice standards for rights information laws. So basically instead of saying we're going to classify this information, we won't disclose this information because it's related to a particular interest. It says we won't – we will withhold the information only if it's harmful to a particular interest. Several of the exceptions were eliminated or narrowed down or merged.

There was inclusion of a public interest override so which is another key to good rights information legislation. So even if information is subject to an exception it can still be disclosed in line with the public interest. That's in terms of experience like that's often less useful in terms of first consideration of a request but can be really useful in appeal mechanism. And there is a new appeal mechanism this coming in in terms of the IRP, but that was done I believe as part of the staff accountability process work stream, not the transparency work stream so I can't speak to that as clearly. But I did look at that to see if there needed to be additional amendments to that and it looks like it's a relatively interesting and robust process.

Collin Kurre: Great. Thank you very much. So with that 19 minutes left in this session I will make one note that we will have a session at the IGF at the global IGF in Paris, talk more about just the human rights impact assessment in ICANN and the benefits and challenges of doing multi-stakeholder human rights impact assessments on the global level. So if you are interested in that then we can talk more about it there or on our mailing list because I wanted to open the floor up to participants in the room. All right this is our think tank. What are the issues that we're facing as a community?

And I hope that people have had a chance to at least leaf through this document that was placed on the table. Does anyone have any kind of burning thoughts that they want to share with the community right away

because if not then we can turn to (Vaduci) who was the author of this wonderful document for a bit of an overview while people collect their questions. Anything at the top, any questions? All right (Vaduci) can you walk us through this document?

Vidushi Marda: Yes thanks Collin, Vidushi Marda for the record. So this document is meant to be as the title suggests a primer on current policy development processes at ICANN. And I think this was - we thought this was a good idea especially at the end of Work Stream 2 because while, you know, people are interested in human rights and working within the ICANN space for a long time were just, you know, thinking of the human rights subgroup in Work Stream 2 and trying to get to a bylaw. The question was, you know, what do people interested in human rights now do as we wait for the bylaws to be kicked into force?

And one of the things that we identified was that it's difficult to get involved in something that is as spider webby as ICANN without knowing where to look. So even if you are interested in human rights, where do you start working? And we picked the GNSO simply because, you know, most of the substandard policymaking for gTLDs happens here. It has the most formal process and it is easily accessible to people who want to get involved in the ICANN still. So if you look at the table of contents right off the bat it describes the multi-stakeholder model to people who may not understand what that very loaded term means. And then it describes the GNSO policy development process. So if you look at Page 4 it just – there's that beautiful diagram on Page 3 but it actually explains what that diagram means. So, you know, looking - I mean identifying an issue, you know, determining that we may want this kind of issue to any consensus policy how do we bring about the initial report, how do we get enough feedback? That is kind of described on Page 4.

And then what we actually do a Page 5 onwards is explain ongoing deliberations and ongoing PDPs and try and map out what human right impacts, you know, could potentially catch people's attention or need more

work. And this is very much meant to be like a living document because people working in the PDPs know how it evolves and know the issues that pop up from one meeting to the next.

And so this is really just supposed to be like a community of I don't know the term but maybe something like, you know, having the community constantly add to it or make it more accurate or make it more detailed is kind of the intention. So for example if you look at Subsequent Procedures which is on Page 11 I think that is like the most substandard portion just because of the many work tracks. And what we tried to do is we tried to distilling it just in work tracks and try and explain what the PDP is meant to do.

So for example Work Track 1 which, you know, deals with process is very different from contractual requirements which sometimes gets conflated. We're hoping that this leads to more clarity. I don't want to walk through the entire document because honestly we don't have time for that. But if there are any suggestions on how to make this more accessible could become the current draft. And also active members of different PDPs would be excellent to get your thoughts on it as well.

Collin Kurre: And as a note we have both editable and PDF versions of this document available on our Web site so you can feedback that way.

Ron Andruff: Is this an information document. Ron Andruff for the record. Is this information document?

Collin Kurre: Yes (unintelligible).

Mallory Knodel: For that – Mallory Knodel for the record, also some analysis involved because...

Collin Kurre: Yes.

Mallory Knodel: ...it's pointing people interested in hearing right to the right place so there are issues that are being addressed and some that are broken down. So it's not simply the same information you find on the Web site for example. It goes into a lot more depth...

Collin Kurre: Yes.

Mallory Knodel: ...and gives guidance which is what I think is really special (unintelligible).

Collin Kurre: Yes, got it.

Man: So one of the problems we have at ICANN and I was really glad – grateful to see (Shareen) our chairman bring it up (unintelligible) mornings sessions the opening session where he talked about the track that we need to work on (unintelligible) governance. I'm pretty long in the tooth at ICANN and this is meeting 63 and I think I'm (unintelligible) meeting 58 for me. So I've been around for a long time. And one of the heartbreaks is the PDP process because at the moment we split off and we created the GDD, Global Domains Division where we had the contracted parties from the side and we had the rest of us on this side what we created was an automatic veto power because as soon as the contracted parties don't like what they see because it's saying you're approaching things that we don't like they had equal votes. They just said we're not doing it, take - go to a PDP on it.

All right we gather everybody around the table and we spend all the time working, tons of man hours, tremendous effort and we come up with something and then it's not accepted by the other side. And the issue in my view -- and I just throw this up on the table because this isn't something we're not going to resolve it today -- but the issue is that we as ICANN aspire to a very high ideal. There are five levels of consensus and we aspire to the highest level of consensus, full consensus.

Guess what, we never get there. We end up with a hung jury every time because there'll always be someone with an opinion that's different than ours. So therefore if we would just ratchet back one level to general consensus and this is what the Supreme Court in the United States uses, general consensus. So you have a number of the justices who agree on a certain opinion and those that disagree have the right and the ability to draft their dissenting statement which informs the conversation. And particularly within ICANN this would be a great way.

So if we would just knock it back down one level. There are five levels. We don't have to be the top level. We can be the second top level. And if we were there what we would have is a lot of really good decisions because the majority would rule, the majority voice would rule the day but the dissenting voices would be able to write up exactly why they don't feel that they can support it. And that would inform the community and inform the conversation tremendously.

It would be wonderful because at this stage what we have is we don't reach consensus and nobody really knows why. So it was this group or it was that group or this individual that just, you know, dug their heels in. And it's so unhelpful. You know, it just drains the energy out of the room.

So if we could as a community bring ourselves to say, you know, what as we go through this governance review period and we start thinking about who we are and what we do, back in the day we would be at a meeting there would be three kinds of people, okay from the entire community. And so that meant you'd be sitting around the dinner table with two or three board members, we have a chairman of the board, staff members, some ITC, some BCs, some NCUC and you'd all be around the dinner table, breaking bread, drinking a glass of wine, talking about the issues.

And guess what, when you got out to the meeting rooms we would find consensus. The problem is we're 3000 now. And of that 3000 I'll say it's a

traveling roadshow of 1500 of us that are actually going from place to place to place and others coming regionally. So the problem we have is that we cannot find consensus because we siloed. GDD is over here during their own thing, the rest of us over here trying to create policy but again we're siloed in our policymaking structures within organizations.

This two-party health system that we came up that was an 11th hour and 59th minute Hail Mary pass just to save a PDP, how do we get out of this rut. And now we've been living in the structured party house situation where we've not contracted and contracted. And that structure has to be melted down and brought up to a fresh, you know, something that really works in the 21st Century with an organization that we are today. So we're outmoded. We've well lived past the due date of the – of what we - the systems we've used. And so if we could actually think about creating, moving to general consensus instead of full consensus would be a big step forward. That now would enable us to start to restructure some of these things where we wouldn't have the stumbling blocks, where one group or another group would have automatic veto power just by virtue of saying we don't like it, we're not doing it.

So those are the kinds of things that need to happen with this PDP process because, you know, for many of us when somebody (unintelligible) there's a big fight and then you hear the contracted party say, "Let's just do a PDP," all that says to me is let's just drive this down to a dead end road and waste a lot of people's time and energy and resources. And we can't do that anymore but that's kind of – I'll end my long diatribe with that but that's a real structural issue the PDP structural issue is that it's really not an effective tool in the current health structure.

Collin Kurre: So if I may am I – when I hear you talking about these very valid concerns I think what you're putting your finger on is the dynamic tension between the legitimacy and accountability or no, sorry legitimacy is - and accountability

are on one side and efficacy and decision-making processes. So why did we have this bicameral structure? Because it facilitated a decision...

Man 3: At the time.

Collin Kurre: ...at one point.

Man 3: Yes.

Collin Kurre: Right. It kind of...

Man 3: And going back decades yes.

Collin Kurre: ...greased the wheels...

Man 3: Yes.

Collin Kurre: ...for action.

Man 3: Yes.

Collin Kurre: And nowadays when the contracted parties say let's throw this to a PDP what are they saying? They're saying let the community speak because presumably that would be more legitimate than this bottom-up consensus model is what gives these ICANN policies that are not backed by any kind of (unintelligible). They're legitimacy to apply to the global community no?

Man 3: Well, you know...

Collin Kurre: Well this is quite a theoretical conversation.

Man 3: No but what you've said is the theoretical way people would view it. But the practical thing that happens is it just goes right down into a dead end and it,

you know, it may take six months, it could take ten months but it never ever finds fruition predominantly because if we went to general consensus the majority would rule. Those that dissented could say why they didn't like it. That would inform the conversation.

But we could pass, we could have PDPs that get to a conclusion. We would find solutions because right now we can't find solutions to get to that point where it's okay. We have full consensus, we don't have it? Okay what do we do now?

Collin Kurre: I would've loved to have had you on our September CCWP call because we discussed quite a lot of things related to the GNSO's PDP 3.0. And the way these experimental models such as the EPDP, such as breaking into small groups, limiting participation, having contracted facilitators as opposed to, you know, nominated chairs, how these might kind of coexists not only with the Work Stream 2 recommendations for example related to accountability but how these might contribute to either the, you know, the legitimacy or the efficacy of the ICANN model. So this might be something that we can resuscitate in a dedicated conversation in the next meeting if I were to join you.

Man 3: Listen I think this is where were going. I mean when I hear (Shareen) break this up saying, "Okay you said we need to work on the governance," that means that we have to work on it right? So this is part of our future. In the current structure it's impossible to restructure the GNSO Council because we have to have full consensus. You see that's the – so we're already locked into not being able to fix ourselves. And it's just like the Whois has gone on forever, you know, for some of you it's just coming to the party and you keep hearing this Whois, Whois, it never goes away the Whois. We were working on Whois for 20 years.

Collin Kurre: Yes.

Man 3: And the reasons we don't get anywhere is we have their full consensus. And so these are the nuances but they're really becoming very loud screaming nuances in this case. So how can you solve the problem you have to have a way that the community can say we've made a decision. And the decision is that everybody agrees. I mean listen your - in your own homes, how many times does everybody agree in your family? Never, rarely.

And that's just the way – that's nature of human nature right? So this is the kind of thing we need to move to when it comes to (unintelligible). I just want to throw that out there food for thought.

Collin Kurre: Mike I thought you had a comment. Can you bring us back to human rights?

Mike Karanicolas: I did - well that was actually I think that the better thing to do rather than because I'd love to - I have...

Collin Kurre: Point of view.

Mike Karanicolas: Yes. Does anybody else have any comments or areas to continue the conversation about areas of engagement for the working party going forward?

Collin Kurre: Okay. Yes?

Akriti Bopana: Just one thing, two things. One thing again (unintelligible) commenting. The one thing that would make it more accessible is spend more time on (unintelligible) of people or like preparing what you're re going to talk about if they ask you (unintelligible) more accessible? And the second thing I would say is if you can tell me the results of a conversation to actual (unintelligible) that we've made. So for example when I look at things like diversity in an email group or activity or like PDP or I don't know how that relates to actual quality decisions that have been made. I don't know how ICANN has or has not done some things because of something that is dealt with at a group or a

discussion like this. So if we have some clarity on how those two are actually tied to (unintelligible) things that happen?

Collin Kurre: (Unintelligible) building like...

Akriti Bopana: Yes like a story like...

Collin Kurre: How is something changed?

Akriti Bopana: ...what happens after for example you have an audit, an internal audit of policies or human rights and how they've been assessed and (unintelligible) it's been done for human rights or for other projects. So I can see what decisions were made as a result of, you know, some people's instead of (unintelligible)

Mike Karanicolas: Yes I think there's a huge...

Collin Kurre: Excellent point.

Mike Karanicolas: Yes. I think there's a huge amount that ICANN can do to be more to become more accessible. And...

Collin Kurre: Or that we as a community could do to...

Mike Karanicolas: Yes.

Akriti Bopana: Yes.

Collin Kurre: ...you know, bring the dots together in more coherent image.

Akriti Bopana: (Unintelligible).

Man: And one of those ways is instead of saying PDP we say the Policy Development Process.

Collin Kurre: Yes.

Man: And we say, you know, the generic names supporting organization and that would be a much easier way for people to come in and understand the (unintelligible). Generic Name Supporting Organization, also known as the GNSO register - so when I say GNSO you understand what we're talking about. I actually found the RIR representation in the opening ceremony just hilarious because...

((Crosstalk))

Man: ...that was outrageous. Like every second word I was at the IRR for the PDP by the XM ULT for the - and we will do this on June 27 when we do another RRP HHL (unintelligible). I'm going what? And I know what he's talking about. So I was really - it was amazing actually to hear that.

Man: You...

Man: So but we can talk and we can explain what they are and that would be a helpful...

Man: We were just at our At-Large thing and somebody throughout EPDP. And someone asked (unintelligible) of that's an expedited PDP.

Woman: Very funny.

Man: Did you want to add something?

Mallory Knodel: Yes. Just in terms of like (unintelligible) work we just have a couple minutes but I really like the model. It is on the agenda but we didn't get to talk about it

too much. I know it sort of depends on like the framework of interpretation and the board approval. But it might be – I mean it might be interesting to talk about how this might be on the agenda for the next meeting, the next ICANN meeting.

Collin Kurre: Yes.

Mallory Knodel: And if there could be some even like one of the interim online meetings to focus on that and maybe make the improvements here because there's probably some – I mean like we've done in, you know, the IETF with sort of being able to analyze different drafts it's like you kind of will get a sense for how good this works if you just do some tests.

Woman: Yes.

Mallory Knodel: You know, like if you could even just pick a PDP and pretend that you're doing an assessment and see like how well this works in gets you to where you want to go. But that could be something really concrete to improve this version before the next time we meet so that there's been progress on this. And because it's presented but like we didn't have a lot of time to work on it so...

Collin Kurre: Yes to be frank this was first presented in May with the intention of doing shadow HIAs and things like that. We have gotten a bit of feedback from certain community members. However we have been seriously lacking in volunteers...

Mallory Knodel: Right.

Collin Kurre: ...to do things.

Mallory Knodel: Sure.

Collin Kurre: And I'm on the EPDP so I can't do – I have like zero time. So I think that maybe it would be – it would start with a bit of outreach. We are going to have a session at the IPF where we will be actually not so much – there won't be very – as many people from the ICANN space. We're actually on our panel there will be human rights experts and practitioners of impact assessments. So we're hoping to kind of get – be able to progress the conversation if not within the ICANN community than with some, you know, targeted professional input from people who do these kinds of assessments, sector wide impact assessments for, you know, like the textile industry in Southeast Asia or, et cetera, et cetera.

So we're hoping to be able to get that kind of progress in November and then perhaps early new year before ahead of Kobe we will have a dedicated CCWP meeting to just kind of workshop this and say this is what we've got, this is - by then hopefully the EPDP will have produced on the expedited policy development process for the -Whois isn't an acronym - for the Whois reform will have made some sort of progress towards it's deliverables and be in the shape where we can carry out a shadow human rights impact assessment on it.

And then kind of feeding into what you were raising Ron I would really love for these kinds of processes to help inform conversations that are obviously imminent about how policy development processes will be reformed and maybe we will be able to contribute something there that kind of ticks a lot of boxes with complying with the core value, with helping us remain both legitimate, inclusive, accountable and efficient and kind of, you know, working out these kinks along the way in our models as we wait for Work Stream 2 recommendations to come into effect.

Woman: Yes.

Collin Kurre: Do we have any other questions, comments, concerns anything?

(Michele Hami): (Michele Hami) for the record.

Collin Kurre: Yes?

(Michele Hami) So do we have any other IT organization which has done this before like you're aware of or any organizations which have done this HRA assessment report? Thanks. Do we know any other organizations?

Collin Kurre: That are carrying out human rights impact assessment? Yes Article 19 is full disclosure. I in my other, you know, hat am working to develop models for human rights impact assessments in partnership with the Danish Institute of Human Rights which has about a team of 80 people that exclusively view HIAs for the likes of Coca-Cola, (unintelligible), you know, big, big businesses. So we're working with them. I'm trying to drag them into ICANN...

(Michele Hami): Yes.

Collin Kurre: ...you know, they're not coming but I'll keep trying. And that's a bit of what this pamphlet here speaks to. Yes. Yes, yes any other questions? Okay great. So I'll just move to this last slide here which is oh yes oh gosh, any other business?

Mike Karanicolas: Yes. So under AOB that is an acronym but that was the last one. Yes this will be my last ICANN as a co-chair of OPB. So we have an opening for co-chairs and one of you lucky folks could step up and have a leading role in this wonderful working party, and it's a party. So yes please so we're going to put a call out to the list shortly.

Collin Kurre: Yes.

Mike Karanicolas: And if you're interested let us know. And yes it's been wonderful.

Woman: Why are you leaving?

Mike Karanicolas: So I'm...

Collin Kurre: We can talk about that maybe after the session just because I know we need to wrap this up. We have to stop the recording. He's leaving because he...

Mike Karanicolas: I'm forced out. It's an internal coup.

Collin Kurre: Yes.

Mike Karanicolas: I'm working on a Master's degree at the same time as working, working. And the two are...

Collin Kurre: Okay.

Mike Karanicolas: ...sweeping out all the free time that I have which I basically just don't have time (unintelligible).

Collin Kurre: Yes. So we'll follow-up on that on the list and on our Web site so thank you all very much for coming.

Man: Thank you.

Man: Thank you.

Collin Kurre: And we'll see you on the list.

END