
MARRAKECH – GAC HRIL and CCWP on ICANN's Corporate and Social Responsibility to Respect HR

Tuesday, March 08, 2016 – 18:00 to 19:00 WET

ICANN55 | Marrakech, Morocco

NIELS TEN OVER:

Honorable representatives of the GAC, we're very happy to be able to be here with you to have a presentation of the cross-community working party on ICANN's corporate and social responsibility to respect human rights together with the GAC human rights and international law working group. Thank you also, co-chairs, for setting this up.

MARK CARVELL:

I do apologize on behalf of the GAC for the late start. We had critical work in full flow. And I do appreciate your forbearance and patience. Thank you.

NIELS TEN OEVER:

Thank you very much. Let's, without further ado, go forward with a short update to the GAC of the work that the cross-community working party on ICANN's corporate and social responsibility to respect human rights has been doing.

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

First of all, because we have little time, I'd like to, of course, invite you to follow or join our work. The reports and the mailing lists are available at ICANNhumanrights.net. And we'll also have a session -- a working session tomorrow from 5:00 to 6:00.

Next slide, please.

The cross community -- the history of -- next slide, please. Yeah. Previous slide, please.

The discussion about human rights has been going on in ICANN for at least 16 years. But it really reached a point of convergence at ICANN 50 in London with the reports produced by Thomas Schneider and Monika Zalnieriute, which was facilitated by the Council of Europe. There it was presented at ICANN 50 in London. And there was a session on ICANN human rights at ICANN 51 in L.A. This led to the establishment of the cross-community working party on ICANN's corporate and social responsibility to respect human rights and have its first session in Singapore. Same with the establishment of the GAC working group on human rights and international law. And there was also a new report published by Article XIX.

Then in Buenos Aires there were several sessions with the GAC, but also with the ISPs, with the intellectual property constituency, and with other parts of the community.

In ICANN 54 in Dublin we managed to produce the first report by the cross-community working party that you might have seen. Or else you can get it on the Web site.

Here in Marrakech we are able to present the work of the five subgroups that we've been having. And we're having a number of sessions as well.

I'll be giving you a very short overview, as it were, a little wine tasting of the work that we have been doing and of which we, hopefully, can build together.

Next slide, please.

The scope of the cross-community working party is to raise awareness and to map policies and procedures and operations to provide information and to be, really, a point of convergence for all discussions that are happening now all around ICANN and develop and explore guidelines and produce position papers.

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So now, without further ado, I'll go forward with the -- with the tasting or with the show to the exposure of the work as proposed. And I'll go forward to subgroup 1, which is led by Marilia Maciel. Go ahead.

MARILIA MACIEL:

Thank you very much, Niels. My name is Marilia Maciel. I am a member of NCSG and also a councillor at the GNSO. And this is the reason why I won't be able to stay with you. I'll have to speak and leave because the GNSO is meeting at this very moment to discuss the voting we'll conduct on the CWG proposal tomorrow. So we're pretty much on the same boat with you. Sad that you'll continue to work, because there are parts of the community that are working as well.

So the subgroup number one was dedicated to map the correlation between specific ICANN policies and procedures with human rights. The need to develop a table like this came from the fact that, after some iterations with the Board and with parts of the community, there was a lack of understanding with regard to the specific rights that ICANN's mandate and policies were touching upon.

There is an understanding that ICANN's a technical organization. So there was some misunderstanding with regards to what we were talking about when we mentioned human rights. So that table was an attempt to try to single out the specific rights that are being impacted in ICANN's work. What we have mapped so far is the fruit of the work of the CCWP members, but not only that. I think it is important to emphasize that between Dublin and now this table has been circulated and shared with different parts of the community. So eyes of people that are part of

registries, registrars, people that have been highly involved in the accountability discussions and, therefore, came to understand very much how ICANN works, they have run through this table. And I believe that now the table is not complete and, of course, should be seen as a work in progress. And ICANN as well is all the time starting to develop new policies. And we need to constantly update the table.

But I think that now it's fair to say that we have reached a pretty comprehensive mapping of what we are talking about and which are the specific policies that are touching upon human rights. If you can come back one slide, please.

So, after our mapping, I believe that, if we can single out -- go back one slide, please. If you can single out the rights that are being impacted by ICANN's policies, we have a bunch of policies that are touching upon freedom of expression and particularly in the new gTLD program discussions. And, when we talk about rights protection mechanisms, another right that is being impacted is freedom of association, particularly in a new gTLD program when we talk about the Applicant Guidebook implementation and how the community-based TLDs have been addressed in the process. You can move to the next slide, please.

We have identified that there's also an issue related to economic and social rights. I will try to move forward, because I know that we are short on time.

Privacy issues maybe are the most mainstreamed in the organization. And there are several policies and contracts that are touching upon these rights such as the review of the WHOIS system, the registrar accreditation agreement, and DIDP concerns. Another right is the right to security. And, of course, we have the DNSSEC on the table. And it was interesting for us, at least, to see how many procedures and policies are impacting on due process. So maybe this was for us the most interesting part that we had not mapped before. But there is a number of issues that are impacting due process.

You can move to the next slide.

And, last but not least, gender, race, diversity issues, and LGBT issues. These are points that have been identified that are relevant as well.

So with this effort we believe that we have more information in front of us and to move to Work Stream 2, which will be dedicated to implementing the language that, hopefully, will be part of ICANN's bylaws on human rights. And, with the table in front of us, I think issues related to which instruments are relevant to our discussion, for instance, which international

instruments and which policies that we need to tackle first, I think that the goal of the table is to do a broad mapping. And, after this broad mapping, it will be up for Work Stream 2 to discuss and define which are the particular human rights that are being more impacted and which ones we can tackle first and give priority in our work.

But I think that the table is just a contribution. But maybe it will be a starting point that is useful to you in the GAC in your discussions as well.

So thank you very much, and I excuse myself. I will need to leave. But, if you have any questions, maybe we can take questions about the table now. And, after, I need to leave, if you have any questions.

MARK CARVELL:

Thanks very much for that presentation. I see no questions. So appreciate you very much. It's very clear and well-set out in the table. And, as you say, it's a living document. So we'll follow the work closely. Thank you.

MARILIA MACIEL:

We're looking forward as well to GAC input. I think that may be the part of the community that probably we discussed last when we developed the table within the GAC. So I'm going to forward

it to you, Mark. If you can share with your GAC colleagues and we can have input, that would be wonderful. Thank you.

MARK CARVELL: Yes, that's a great idea. Thank you.

NIELS TEN OEVER: Thank you very much, Marilia. And, to make matters a bit more concrete -- next slide, please -- I'd like to give the floor to a very important contributor to subgroup 2, Aarti Bhavana, who has mapped some specific cases in which ICANN is impacting certain rights.

AARTI BHAVANA: Thanks, Niels. This is Aarti Bhavana, for the record. Next slide.

So this subgroup is looking at certain cases. There are four cases right now. One is the new rules under UDRP. And there's the names collision management framework, the geographic regions review, and the rights protection mechanism in all gTLDs.

Next slide, please.

So the subgroup is, basically, looking at specific parts of these policies as well as specific cases within them. Under the UDRP they're looking at the new rules that have been in place since

July of 2015. This is a very controversial policy with substantive concerns such as the freedom of expression as well as procedural concerns like lack of appeals mechanism, lack of choice of law rules.

And so far preliminary paper's been done. But a more detailed analysis is under way.

Under the geographic regions review, this becomes very important because participation and representation in ICANN is largely impacted by the geographical region in which an individual or entity is. This group -- this subgroup is looking at the final report by the ICANN geographical regions review working group. This working group wants to make minimal changes to the current structure, but there are certain issues with the current structure. It can be isolating at times. Other issues such as the right to participation, right to representation, right to freedom of association, as well as democratization of IG processes such as sovereignty and the right to self-determination. So all of these are being considered under this case.

This also the case -- study has been taken up in terms of Armenia, which was earlier under APAC but is now under Europe. And this transition has been very helpful to them in terms of participation.

Finally, there's a rights protection mechanism. The final issue report on the GNSO PDP to review all rights protection mechanisms in all gTLDs is the report that we're looking at for this.

So this would include looking at UDRPs, URS, trademark clearinghouse. And there are great rights implications for this as well such as freedom of -- free speech. There's a question of competition, whether the system is conducive to the entry of new players.

There's the question of access to medicines. And there are procedural issues like dispute resolution, string contention procedure, et~cetera. So these are the cases that we have so far. And the work on the other cases will be underway. Thank you.

NIELS TEN OEVER:

Thank you very much, Aarti, for this concise and also very fast overview of the work that we've been doing. We're trying to work with time constraints. Thank you very much for being so adaptable to the situation that we have to work with.

MARK CARVELL:

I appreciate that very much, the explanation, Aarti, of subgroup 2. There's a lot there, certainly. But it's a very thorough and comprehensive approach you're taking. So, again, same

situation. We'll look forward to hearing more about the work of subgroup 2.

I don't know if anybody from the GAC side who's here has any questions to raise. No? Let's crack on. Another subgroup, I presume.

NIELS TEN OEVER:

Yes, indeed. We'll go ahead to see -- to have a practical proposal. So now we have these different insights in where ICANN could touch upon human rights. But how do we find a structured way to go forward?

And that is actually exactly what my colleague, Motoko Aizawa, will talk about to you about the work in subgroup 3.

MOTOKO AIZAWA:

Thank you very much. Good evening, everybody. My name is Motoko Aizawa.

I see that Niels took us through the history of human rights in a very quick way. So I won't really repeat, other than the fact that a lot of what I would love to start with is already contained in our publication. And so I'm not going to spend any time going over some of the things that we have discussed before. Sometimes I think it's useful to revisit some basic ideas and

what we have achieved so far, but I'm going to skip and go straight into the content of the human rights impact assessment. Thank you.

So, as Niels said, we are thinking that perhaps this assessment process might give us a structure that would tie in different levels -- different streams of inquiry that already have been introduced.

And the reason why we are proposing this is that, back in Dublin, we actually talked about a process of focusing on policy development process only to look at the human rights impacts of PDPs. And we actually recommended in this publication a way, possibly, to do that.

But, even as we were doing it, we found out that there were multiple other human rights issues that people were bringing up. And, as a result, I just felt that it's not possible for us to just stick to one stream of inquiry, that what is really needed is a comprehensive inquiry into different kinds of human rights impacts arising from ICANN's operations as a whole.

And so this is a process overview that is based on the Danish Institute for Human Rights model of human rights impact assessment.

And I just want to repeat that this is a way of corporate entities, business enterprises, to carry out human rights's due diligence. Right? So this is a process that concretizes the requirement for a human rights due diligence that's made very specific in the U.N. guiding principles, which we covered already. And, unfortunately, I'm not going to have time to go over that.

So there are six simple steps.

Next slide, please.

So let me start from the very beginning and to just describe to you phases 1 and 2. Essentially, we are in phase 1 collecting various information about ICANN's operations.

And it's already been circulated to the community, but I would just emphasize that there is a questionnaire of different kinds of documents that are in -- that's already available in -- on the Web site and referenced in annual reports and ombudsman reports.

So we're in the process of collecting those to understand different -- all together the ICANN's activities, different functional responsibilities, and the potential human rights impacts that might arise from different functional responsibilities.

So the questionnaire is trying to understand, through the process of document gathering, what these things might mean.

We're also in the process of identifying different stakeholders, engaging with the ombudsman office to understand different information that the ombudsman office already collected, and so on and so forth. So that's Phase I, scoping and planning.

And this will then move to Phase II, which will be more interactive. It will involve stakeholder interviews, expert interviews, as well as trying to understand the international human rights framework that we should be using in this process.

And, just so that I'm not creating any mystery when I say "international human rights framework," we are really talking about the universal declaration of human rights and the civil and political governance as well as the economic, social, and cultural rights. So that is the basic framework. In terms of labor, there are ILO conventions and more specific stakeholder groups.

So that is the basic framework in terms of labor. There are ILO conventions and more specific stakeholder groups. There are other specific covenants and conventions that need to be consulted.

But that is the framework, and that is completely consistent with what the U.N. Guiding Principles say that businesses need to look at. And so that is the framework that we are referring to.

And basically, what this process does is to take us through a room of mirrors. 360 degrees of mirrors. Those are the international human rights framework instruments. And what we need to do is reflect different ICANN functional responsibilities, operations, against that room of mirrors in order to understand where there's an interaction with specific human rights.

The next slide, please.

So this -- I dedicated a single slide to this particular phase because this is really where the rubber hits the road.

This is where the specific human rights impacts and the adverse ones, in particular, will come into focus. And then we will have to look at ICANN potentially causing these impacts or ICANN contributing to these impacts or ICANN being directly linked to these impacts through business relationships.

These are three kinds of scenarios that the U.N. guiding operating systems provide. And actually, this is very much the heart of the human rights due diligence, a challenging one nonetheless. But this is something that we will have to go through in impacts assessment. we can also look at the positive impacts, but just to remind all of us that the positives don't offset the negatives. And so the key focus is on the negative side of things.

The next slide, please.

And having done this, we will be in a position to, together, look at what it means then for ICANN to mitigate these negative impacts and to manage these impacts. And for this, there is already an impacts management hierarchy where the priority is to prevent negative impacts. And if prevention is not possible, to mitigate and manage and compensate those impacts as much as possible.

And what this should result in is some kind of management plan or management system at ICANN's level. And this is paired with phase one, which is the process of developing a human rights policy.

A lot of organizations do the developing of the human rights policy at up front. But because we, I don't think necessarily, have a consensus on what human rights, who is responsible, all these boundary questions, what I propose is that we have this inquiry into the appropriate human rights policy at ICANN corporate level after being informed through the process of impacts identification and mitigation management.

And so phase 5 is actually an extra step that has been included. And of course all of this will lead to phase 6, which is on reporting of all of these activities, reporting on ICANN's performance of human rights management, as well as

evaluation of how well ICANN is mitigating and preventing, managing all of these impacts. That would be several years down the line.

So in a nutshell, that is what is being proposed.

I mentioned the process of this questionnaire that's going around. We're trying to fill that. We're trying to do as much as we can from the bottom-up side of things. It would be really nice to have that complemented from the top-down and interact a lot with ICANN management and the Board, and of course GAC and Work Stream 2 as well so that this is a bottom-up and a top-down process.

And eventually this particular work may have more affinity with the Work Stream 2 than the Cross-Community Working Party on Human Rights. But again, here we would love to have your input.

So final slide, please.

So we have some questions that we wanted to throw to you. The last slide, please.

Thank you.

So there are timeline implications. There are resource implications in terms of us, but in terms of the community at large.

There is also the question of the role that the ICANN Board plays, ICANN management plays and the community as a whole plays. And then the role of this particular working party. And also there is external stakeholder groups outside of this room, external experts outside of this room. Eventually we will have to engage all of those.

So this is quite a long process, a comprehensive process. I don't want to make light of that. But in view of all the different lines of inquiry, streams of inquiry that are happening it, might be helpful to have this comprehensive structure to run alongside these other lines of inquiry, and, hence, this proposal.

So, sorry, I think I ran over a little bit. But thank you for your indulgence.

MARK CARVELL:

Well, thank you very much, Motoko, for running through all the elements of this important subgroup's work. I can see it's quite a huge enterprise. A lot of work to do this, to undertake the questionnaire activity and collect all the data.

And I just have one question, and that is how confident are you that you're getting the full range of constituencies to respond on these various issues as they see the questionnaire?

Are you confident that you will get a comprehensive response from different perspectives in the community? The commercial side? The IP constituency, and so on?

Thank you.

MOTOKO AIZAWA:

Thank you very much for that question. In Dublin we had preliminary engagement with the commercial constituencies, and what impressed me is that whether an issue is characterized as a human rights issue or otherwise, there are already concerns occurring at multiple levels within the commercial constituency. And so I think it's important for us to continue that engagement, and I think the role of an independent expert like myself is to be a translator, to translate the issues that are coming up and to translate that into human rights, and then feed it into the process.

So how confident am I? I cannot guarantee that this will work, but I also am very impressed, being a new participant in ICANN meetings, that the community is well organized and well

informed, and there is a process of collaboration, and we should definitely take full advantage of all of that.

Thank you.

MARK CARVELL:

Thank you very much. Well, I will certainly wish you, on behalf of the co-chairs of the GAC working group, the best of luck with securing, you know, a comprehensive survey of these questions.

And I -- Just one further supplementary question. You say for discussion, the role of CCW PHR, the Cross-Community Working Party. Are you there referring to the status of it? Maybe you touched on this, Niels, at the start. I don't know. Of course you've got a charter, and so on, but it is a voluntary association of interested parties.

Does the status -- Is that a question for you to come up, whether the status within the ICANN community and this relationship with the noncommercial users group, and so on, will that be under consideration at some point?

Thank you.

NIELS TEN OEVER:

Well, with the official procedure going forward, what we'll be talking about in the next point, Work Stream 2, we will have a

very concrete forum where we can take work forward. And I think work such as the human rights impact assessment would fit under there. And I think that would also answer your question about input from the whole community. The whole community is represented in Work Stream 2.

So I think that's really where such an effort would take place.

Where I see a role for the Cross-Community Working Party is also to map where the other activities are going on. So subgroup 4 and subgroup 5 that are not presenting here because of time are looking into the new gTLD process and the WHOIS review process.

So I think it's very useful to have one point in the organization that does not make decisions or policies but where discussions can take place and where all these lines come together.

So we see that as the role of the Cross-Community Working Party where there's a place for discussion, but where the real development much tools and policies happens in other fora.

Okay. Thank you very much for that.

Do either of my co-chairs -- we didn't introduce ourselves at the beginning, I'm sorry to say.

Mark Carvell and Jorge Cancio from Switzerland. I'm from U.K.
And Milagros, yes.

MILAGROS CASTANON: I didn't go there because I thought it was already too many people, but I could see you much better from here.

I said you -- I think you are doing a --

MARK CARVELL: I'm sorry, Milagros. Can you talk closer to the mic? I can't quite hear.

MILAGROS CASTANON: Yes, I didn't sit with you, because I thought we were already too many there, but I could see you from here much better, and I'm absolutely fascinated by the depth of your analysis. It's fantastic the work you've done. Really fantastic.

And it's a challenge for all of us, really, to try to go on the same direction, not only in human rights but also in international law.

Many thanks for this fantastic presentation.

MARK CARVELL: Okay. I certainly endorse that comment.

Does anybody have any questions before we move on? No? I don't see. I guess everybody is anxious for dinner and everyone wants a break maybe. I don't know.

But, please, continue with the rest of your presentation, Niels.

NIELS TEN OEVER:

And then over to last part of our presentation, which we could perhaps merge with the next part of the agenda, and that's the discussion of the CCWG Accountability and the text on human rights there in annex 6 that has been presented to you earlier in your own session by Leon Sanchez, but I'm sure Tatiana Tropina can also add some perspective to you for that.

So over to you, Tatiana.

TATIANA TROPINA:

Thanks a lot. Tatiana Tropina speaking, for the record.

Can we have the next slide, please. Thanks.

So I think I'm supposed to provide an overview of the role of CCWP in the CCWG Accountability working group, but I think that I have to make this statement first. We cannot -- We will be talking about bylaw language, but we cannot claim ownership on this language because it was much broader community exercise to develop this language and to reach this consensus.

So I'm going to talk about the role of CCWP for human rights in this process, and then I -- I mean, I'm trying to build it into the broader picture, and then I will move to the language.

So a bit of history. The first bylaw language was introduced into the second draft, and we've got many -- not even language -- the proposal to include it. So (indiscernible) draft, we came up with the first draft of the wording of the bylaw which consisted of two parts. First of them was ICANN commitment to respect human rights and the second was to implement the framework of interpretation of this commitment in the Work Stream 2 with a tight deadline of one year. And we got many comments from different stakeholders, but particular concerns were expressed by the Board and ALAC about this deadline being tight, about this language opening mission -- opening the ICANN mission for court litigation and for reviews. And we really did our best to raise awareness, to bring stakeholders together, and to assist in drafting a new language, and agree on the new language in addressing the concerns of different stakeholders.

So can we have the next slide, please.

The language we arrived to seems to be a compromise between different stakeholders having different concerns. It refers to the commitment of the ICANN to respect internationally recognized human rights within its core values. And the second part of the

language makes this bylaw dormant, kind of sleeping, by law before the Framework of Interpretation will be developed, human rights framework, so we know what this commitment actually refers to.

And now, looking forward, there would be Work Stream 2 where the development of this Framework of Interpretation will be addressed. And we do expect that Cross-Community Working Party and any other stakeholders will play a role in this. And of course we want to bring the knowledge, we want to bring the discussions we are having and the results of discussions we are having in the Cross-Community Working Group to CCWG Work Stream 2. But again, whatever the result is, we will not be able to claim ownership because it is a community exercise. Community exercise, and we have to collaborate also with the board, with the ICANN staff to develop something which would be consensual for everyone.

Thanks. That's all.

MARK CARVELL:

Okay. Thanks, Tatiana. That's a very helpful indication of how you're going to position yourself in order to provide inputs into Work Stream 2 on the implementation. And it's certainly an opportunity, of course, for the GAC working group as well in

terms of understanding and then working out how the bylaw provision would actually be implemented.

Do either of my co-chairs have questions in that respect?

No?

We should certainly keep close on this, because this is a very imminent area. The Work Stream 2 will kick off pretty quickly, so we should keep in close contact on that.

So is there a question? Yeah. Sorry. Council of Europe, Patrick Hennings. Thank you.

COUNCIL OF EUROPE: Yes. Thank you for this excellent presentation.

I think it's important that the Cross-Community Working Party also gets a very clear input from the side of the GAC. Governments have a responsibility towards the implementation of human rights with regards to their citizens. And I think it's important that the governments also take an active role in this, as well as clearly stated, as long as Work Stream 2 doesn't yield results, the whole issue will remain dormant and the work that has been going into that will remain dormant. And I think that is something to be avoided at all costs.

I understand that you will not be able to present the work on the new gTLDs, but also there. There's a number of key issues that, for the Council of Europe, of are crucial importance, and we will be looking into that more closely in order to analyze to which extent the attribution of gTLDs will also respect freedom of expression, but also representation of minorities, and so on.

So this is something that is crucial for the work that we are doing and crucial for the investment and involvement of the Council of Europe in the work of ICANN.

Thank you.

MARK CARVELL:

Yes. Thank you. Thank you, Patrick. As the U.K. representative in Strasbourg at the Council of Europe -- which, just as a reminder, is 47 governments -- I fully concur with your comment there, the particular issues that you're underlining.

Thank you.

Okay. Shall we move on to the next step, Niels? If you have another step.

NIELS TEN OEVER:

Yeah. First of all, would I like to say that the Cross-Community Working Party is very much looking forward to continue

collaboration with the Council of Europe in working on these specific things, and we hope to strengthen the ties in the future even more.

That leaves me for an overview of the work we have been doing, and we would like to congratulate -- congratulate the GAC Working Group on Human Rights and International Law on your new charter, where you have agreed on. We would be very interested to hear from you what is the work that you are planning and how you see that without it, will that take form with engagement with Work Stream 2 and vis-a-vis how we can further work together.

MARK CARVELL:

Yes. Thank you, Niels. I'll turn to Jorge to talk about the process we're enacting in terms of activities. But before I do so, I'll just explain we had a meeting this morning, which some of you may have attended. An open meeting, of course, and there we did formally endorse our terms of reference which sets out our key objectives, very similar to yours, and our membership terms and the fact we have these three co-chairs to oversee the work and our working methods. And we set out three areas of interest, which we had discussed in the GAC previously, which are confirmed in the terms of reference, and our proposed

deliverables, and possible topics and issues to add to what's in the terms of reference.

But I'll turn now to Jorge to talk about the process and some of the detail of the issues for the GAC working group now.

Thank you.

Jorge, please.

JORGE CANCIO:

Okay. Thank you very much, and hello to everybody. Good afternoon.

As you -- As Mark has explained, we have now terms of reference, so we can really kick start our work. We are trying to be as inclusive as possible with what will be the specific work plan of this working group. So we have asked the membership of the working group to come back until the 18th of April with proposals, with ideas. And on that basis, we would come up with a draft working plan to be shared with the working group and see how we prioritize also the work and what are the main issues on the basis of the agreed terms of reference.

And in this regard, if I may say a personal, also, idea or reflection is we have seen a very vast amount of work being done by the CCWP being presented today, and I think that it would certainly

serve as an inspiration to working group members from the -- from the GAC working group to have these updates in digestible form where they can look at it and perhaps also draw some inspiration for their submissions in how we will draft and develop our working plan.

Any case, we had a preliminary discussion also this morning on what could be some of the topics, and we, of course, know that the Framework of Interpretation in Work Stream 2 will be of a high priority. And while our colleague was presenting the work on the human rights impact assessment, I was all the time thinking this is Work Stream 2, this will be key, or at least the main elements will be key to the Framework of Interpretation. So I think it would be very good to have that feedback from you and to be able to share that with colleagues in the GAC working group so that we benefit from what you have been doing.

We don't reinvent the wheel. We align ourselves in an informal fashion, and we really benefit from all the work you and GAC have been doing.

Another field (indiscernible) very quickly pointed to is, of course, the three main PDPs which are being launched now. The new gTLD subsequent rounds, the review of the protection mechanisms, and also the new WHOIS. And so these are all fields for work, seeing that you are also working, so we have to

keep, I think, very close ties, in any case. We would very much welcome such an update from you, in a fashion, in a format we may share with our GAC colleagues. And of course I think that also part of our working plan should be to keep on with these exchanges and to already start planning for Helsinki.

Thank you.

MARK CARVELL:

Yes, thank you, Jorge, and if you have seen our terms of reference, which I'm sure you have, you'll, of course, recognize.

You'll, of course, recognize that, in one of our objectives, we refer specifically to the cross-community working party as an interlocutor in terms of cooperation and generally keeping close and working together. But in addition to, of course, other parts of the community and other supporting organizations and advisory committees.

So I agree with Jorge. We should certainly keep close. And perhaps we convene another group, joint meeting at the next ICANN meeting in -- but we don't know where it's confirmed yet. But anyway, in June, as far as the date is concerned. I think that's still on.

So this has been truly fascinating. Milagros, did you want to say anything more as we wrap up the session? No? Okay. Thank you very much.

Ah, European Broadcasting Union. Giacomo, please.

EUROPEAN BROADCASTING UNION: Very interesting to see where the thinkings are crossing over the communities.

But I'm wondering what we heard this morning from ALAC that they said that the GNSO is going anyway for the next gTLD round without waiting any supplementary step. Are you aware of that? Are you fine with that? Because it's quite surprising that, without having finished that kind of analysis, we go to the next round possibly repeating the same mistake that we're experiencing every day in this first round.

NIELS TEN OEVER:

I'm aware that the PDP on the new gTLDs is just starting. And we are seeing -- because there is a possibility in the PDP to ask for a rights impact assessment, even though it has never been used yet.

So this might be an opportunity to look into that instrument, even though we think it might be better to first create an

understanding of what this should be. But this is definitely an opportunity we're looking into. We're following the new gTLD process very closely with the same interests.

MARK CARVELL: Okay. If there aren't any more questions -- one more, okay. Please.

GIGI ALFORD: Yes. My name is Gigi Alford, speaking for the U.S.

I just wanted to say that we're very happy that this meeting is happening. And, to reference the report that was mentioned, we read it. And we're very happy to see that it was shared during a brief session in Dublin but that there hasn't been a lot of opportunities since then to engage in broader discussions within the GAC on the report.

Just to share our preliminary views, the reports assessment that the U.N. guiding principles can be applied to ICANN we thought were very interesting. And we agreed with that. And we thought there were several elements in the report that would merit further discussion and explanation. So, hoping that the report won't just go up on a dusty bookshelf, that there will continue to be discussions on that as a valuable contribution.

And, just in thinking on the several streams of work that are happening, we wanted to ensure that changes to ICANN's bylaws do not put the organization at increased risk of spurious litigation or challenges through the IRP process.

And we believe that this issue should be addressed in a careful and appropriate manner just to ensure that it is a comprehensive discussion going forward. Thank you.

MARK CARVELL:

Thanks very much. And that reminds me, I think John Ruggie is publishing a review next month, as I understand it, on the guiding principles. Is that right?

GIGI ALFORD:

I believe that might reference a comment shared earlier by Suz. And I think that speaks to the need to look at precedence that's out there that would provide valuable insight that can be used to show that this isn't, you know, a fully brand-new endeavor, that there are contributions that look at other non-profits and how the guiding principles do apply.

MARK CARVELL:

Okay. Well, I think we'll close that today. I just wanted to express my deep appreciation on behalf of the co-chairs and the

members of the GAC working group who are here for all the presentations, Niels, all the leads of the subgroups for presenting. And it's been incredibly informative.

And I must also thank the interpreters who have had, like us, a very long day. It's a very intensive activity interpreting. We're well past 7:00, so it's very appreciated in terms of the assistance you're providing. So many thanks.

Niels, did you want to say a final word? I'll say thanks very much for that now.

NIELS TEN OEVER:

I just would like to reaffirm our commitment to people working together in a truly multistakeholder fashion. And thank you very much for another opportunity to make that happen.

MARK CARVELL:

We'll close. Many thanks for everybody who stayed to attend. Thank you.

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