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PANAMA – GAC: Human Rights and International Law Working Group  
Wednesday, June 27, 2018 – 08:30 to 09:00 EST  
ICANN62 | Panama City, Panama

JORGE CANCIO: Good, let's get started. Again, Jorge Cancio for the record. Today we have a 30-minute meeting of the human rights and international law working group. You have the agenda displayed on the screen. We would discuss some internal matters of this human rights and international law working group and how to follow up on them, make progress, especially towards the Barcelona meeting.

And secondly, we would have an update possibly a discussion on what are the next steps regarding the so-called framework of interpretation of the human rights core value included in the bylaws of ICANN.

So is there any comment on the agenda? I don't see any. So we would start with the first point. As a matter of background for those of you who are new or have been not very connected to the work of this human rights and international law working group, this working group was established in 2015. And since then we have been having meetings in each of the ICANN face-to-face meetings, if I remember well. The group started with two co-chairs, [indiscernible] from Peru and mark [indiscernible]

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from the UK. Unfortunately they have left in the course of the last meetings. I think Mark left after the meeting in Abu Dhabi and [indiscernible] after San Juan. So the third co-chair, which is me, who joined the leadership of this working group at the end of 2015, I think, is now the sole co-chair. So I think just a chair if there's no co-.

So the question here is if there are any volunteers for joining in the leadership group, that would of course be very welcome I think. And the -- let's say the interest should be notified to me, and I would put that to the GAC chair who finally is Manal, who appoints the chairs of the GAC Working Groups. So I don't know if there is anyone wanting to go to step forward now or if there is any comment. Otherwise we would leave it it for the inter-sessional period to make such proposals on the leadership position. But first of all, I have my dear friend who wanted to take the floor.

KAVOUS ARASTEH:

Thank you, distinguished colleague, and to all of you, all co-chairs very actively working. And Mark not here but contributed effectively this activity in the GAC and the in the interpretation of human rights, when they presented, UK, Switzerland and Brazil presented the views to that group, and you remember that was very vigorously different positioned, because some of them were

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not members of the group and asked that their views be taken into account, and thanks to your very effective [indiscernible] moderation, you found a way to put at least the essence of that in the framework of interpretation, and you have been one of the very active members, and I think as you mentioned at the last part of your intervention, perhaps you may leave it to either the end of this meeting or inter-sessional to find out if people would be volunteers. No doubt it would be good to help you and assist you, but I don't think there's any urgency that at this moment we decide on something. But in absence of more, we express thanks and appreciation for all the effort that you have made. Thank you.

JORGE CANCIO: Thanks so much for your kind words and also for the appreciation expressed for our former co-chairs, especially to mark covel. I see our colleague from Bosnia.

BOSNIA AND HERZEGOVINA: Good morning, I would like to be a volunteer for this working group too. But just to participate, not to be coaching.

JORGE CANCIO: I was just going to make this follow-up yes. But perhaps if you participate in this working group you will find that it makes

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sense for you to volunteer perhaps next meeting for the co-chair position or perhaps later on, because it's really something that would be very fruitful to get some new blood, some new voices into this discussion. And I see that triggered again Kavous to take the floor, thank you.

KAVOUS ARASTEH:

Yes, and also, a good way to have gender balance in the group. That's good. Something at the top of the UN -- we are part of the UN, gender equality and balance, good to have that one. And recently Spain has 17 ministers and 11 are ladies. That's good. Thank you -- apart from Sweden. That was the top and now Spain. Good to have a lady at the co-chair, we support that, thank you.

JORGE CANCIO:

Absolutely. So I think we have full consensus on that. Apart from the leadership position we also a work plan that was adopted I think at the end of 2015 or the early meetings of 2016. I would propose that I will recirculate that work plan to the working group membership, also to any new working group members who want to join, just send me an email or send an email to me with a copy to Julia who is from the staff support who is supporting this working group, and we will make sure that you get on the list.

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So on the work plan we have this work plan we established more than two years ago. Some of the issues on that work plan have not been followed entirely, because we were very much absorbed by the framework of interpretation discussions which we will tackle on the second point of the agenda.

So if nobody disagrees, we will proceed, as I said, we will circulate the work plan inter-sessionally and collect comments and hopefully also new ideas and hopefully volunteers to cover the different work streams that may have relevance for the task of this working group. So I will take that as non objection from the members this have working group.

And with this, I think we go over to the second point of the agenda which is let's say an update on where we are with the framework of interpretation of the core value of human rights in the bylaws of ICANN.

So we have a point on the agenda later today, or is it tomorrow, where one of the co-chairs at least, I heard [indiscernible] of the CCWG accountability will come here and explain where we are with the work of the work stream 2 of the cross community working group on improving the accountability of ICANN.

As you may know, this cross community working group where the GAC is a member, a chartering organization has been working for the last two years on a new set of recommendation

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to improve the accountability of ICANN. And one of the subgroups of that effort was a subgroup on human rights which had the task of developing a framework of interpretation of the core value on human rights established in the bylaws through the April amendment of the bylaws which was adopted by the community and the meeting of 2016 and which was passed into the bylaws and entered into force in October 2016. And that core value on human rights is subject for that it enters into force to the development of such a framework of interpretation.

In the end, the framework of interpretation has to give some flesh or put some flesh on the bones of the core value and explain, okay, what it means in the context of ICANN and how this core value has to be interpreted. Part of this framework of interpretation exercise is also a document called considerations attached to the framework of interpretation where there are some let's say very broad guidelines of where the implementation could later on go as regards this core value on human rights.

As you recall remember, we have been following that process very closely in the last meetings of this working group. We have had always representatives of the CCWG accountability, the [indiscernible] chair of the subject groups on human rights, also the representatives from ICANN org explaining what they were doing or preparing for the implementation of the core value

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within ICANN, the organization, let's say more than the corporation access. And we have also discussed in San Juan with representatives of ALAC the at-large advisory committee and the GNSO on how they view the implementation in their sub organizations of this core value and of course along all this time we've had a very fruitful exchange with representatives of the cross community working party on corporate social responsibility and human rights, I got that acronym right, I think. Which assembles a number of the members of the community interested in the issue of human rights and who have been very active in the discussions within the community.

So that is background. On substance there has been no change as to the substance since the San Juan meeting as to the change of the CCWG accountability has discussed. I will refer to the discussion we have in plenary. But to sum up, let's say that last Sunday the CCWG accountability here finished its main work. Now the main report including all the recommendations including the framework of interpretation of the work stream 2 will be sent to the chartering organizations. One of those chartering organizations is the GAC. So it will come to us in the period between Panama and Barcelona and then we will have to react to these recommendations including the one on human rights.

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Once the chartering organizations have adopted or let's say approved the recommendations, if this happens, it will go to the board and the board will decide. Possibly in Barcelona or shortly after Barcelona, that could be a possibility. Once that is made, the framework of interpretation, if adopted, would finally enter into force. And then, as is asked for in the framework of interpretation, both ICANN org, the corporation and the different supporting organizations and advisory committees have to look into how they implement in their proceedings the human rights core value and as regarding the PDP, the policy development processes, the cc wp working on that, but for the GAC, we will have to have a discussion on whether and if so how should we implement the framework of interpretation in our procedures which is very specific, very special, and also very time constrained because we our main output which is the communique in each face to face meeting. So this sets some limitations on let's say traditional ways to implement human rights core values, such as human rights impact assessments. So these are some considerations on where we are and what is the task we will have on our desk once the framework of interpretation gets finally passed by the board.

So just that you are aware that this will be on our table, that as the advisory committee we will have to study that and decide on that. So I would like to invite colleagues to, if you wish, make



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any comment on this, otherwise, this is an information and also let's say a warning that in Barcelona we should then go to work and look, okay, the framework of interpretation is passed or is about how do we include that or how do we consider that in our work as an advisory committee to ICANN.

So I don't know if there are any comments at this stage. We have Brazil.

THIAGO JARDIM:

Assuming [indiscernible] will be sent ahead of the Barcelona meetings, do you envision ways for the GAC to start examining and considering these recommendations so that we can respond to them? Thank you.

JORGE CANCIO:

Thank you, Thiago, I will try to respond to this first. Fortunately, I am not the chair of the GAC, just a co-chair of the human rights working group. So I will put it in the hands of the leadership to decide. A related issue can be what can be the work of this working group on the specific recommendation of human rights. And there I would envisage as probably there was acceptable compromise in the end in the text of the recommendation which, to a certain extent minimally took into the accounts filed by some of our countries -- yours, mine, the UK. That

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recommendation is more prone to be passed by the GAC. And so perhaps in this inter-sessional period, it would make sense that at least colleagues of this human rights and international law working group would start thinking and hopefully also sharing their ideas on how we can in the future provide this recommendation is passed, implement it in the work of the GAC. I don't know if I answered your question. But I think we had also Kavous.

KAVOUS ARASTEH:

Yes. I think the question that Thiago raised that assuming that this will be sent ahead of Barcelona meeting, I think it is being sent even much before that. I am not sending a message to the co-chair of the ccWG and asking them have you formally sent this information to the charter organization. Because at the meeting as some of you remember, they wanted to sign up at this meeting and we told this is not possible for the GAC to do that at this meeting. We need to embark on the matter. So being sent in a matter of days or weeks or SO on.

But coming to your question, Jorge, perhaps once receive that, depending on how the GAC will react in the discussion, now at the end of the 62 meeting how to tackle, perhaps meantime between now and the time that the GAC will be prepared to discuss the matter formally at I say next fiscal meeting, maybe

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the working group human rights group to ask one another, good opportunity to provide this mechanism, because I'm sure all GAC members will be very busy once they get back to their countries, so would be good to activate this process and perhaps that would help. And once we receive those information, shared with other GAC members and that way at least for this part of one out of nine subgroups, we will be prepared or better prepared to react at our next physical meeting in Barcelona. That would be good if you could kindly agree to discussion with the GAC members asking about the recommendation and output of this group. That would be a positive sign and help to better understand. But it is depending on if the people agree that would be done inter-sessionally.

JORGE CANCIO:

Thank you very much. I think we can note that suggestion. And I think of course as to the substance of the recommendation, this will form part of the package that we will go and decide at the plenary of our leadership regarding the adoption of the work stream 2 recommendation in general. And if there is no objection to that, we can concentrate our efforts inter-sessionally is to start thinking about implementation options within the GAC of the core value and its framework of interpretation.

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So if there is no other comment on that, we will proceed as proposed inter-sessionally.

So to sum up and recap -- two minutes before the plenary starts -- tasks for the working group to think about whether you want to join it and then just tell me, send me an email or send it to Julia Charvolen. Think about whether you would be prepared to take up a leadership position in this working group, also inform me and I will put that to Manal and the leadership team. Third, we will distribute the adjusting work plan for comments and for ideas of how to update it. And fourth, please consider and start thinking, developing ideas on how the GAC could implement the human rights core value, provided it is passed by the chartering organizations and the board. And please share such ideas on list and let's have a discussion and so prepare as much as possible before the Barcelona meeting.

So with this, I would pass to any other business. If there is any proposal? Any other business? We will adjourn this meeting and take it as finalized. And I give back the floor to my vice chairs here, my GAC vice chairs, Par and Thiago. Thank you very much for coming this morning.

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