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ICANN70 | Virtual Community Forum - Human Rights and International Law Working Group session on Work Stream 2 Recommendations Implementation
Monday, March 22, 2021 – 11:15 to 12:00 EST

GULTEN TEPE:　　　　　　　　Thank you Manal. Now we are ready to start.

MANAL ISMAIL, GAC CHAIR:　　Excellent. Thank you very much, Gulten. And so thank you for your patience and welcome to the GAC session on WorkStream 2 implementation also scheduled for 45 minutes session will be led by co-chairs of the GAC human rights and international law working group.

Lina Rainiene, and GAC representative of Lithuania and Suada Hadzovic, GAC representative of Bosnia and Herzegovina. So I don't want to take more time. I will give the floor to our co-chairs. I also see that among the presenters Giaccomo on Xavier so welcome everyone and over to you Suada and Lina. I'm not sure going to start

LINA RAINIENE:　　　　　　　　Thank you, Manal. Hello everyone. Good evening good morning and good afternoon. My name is Lina Rainiene, and I will start this session. I will look at the agenda items

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of today. To see if we were all right with the flow that we envisaged for the discussion of the day so we will start with the WorkStream 2 update from the ICANN org as Manal already mentioned this will be given by Xavier from ICANN org.

What are the current developments there on the WorkStream 2 consensus recommendations then Suada Hadzovic she is the co-chair of the working group as well will provide the information on the current status which we have in updated in the GAC tracking tool on the procedures of evaluation and implementation of are the working stream 2 recommendations, and later on the Giaccomo Mazzone which we are very happy.

Recently he joined the human lights and international law working group to support us on the efforts with the WorkStream 2 recommendations implementation on the diversity aspect especially, so he will share with us some current information which, which is available from other practices on behalf of UNESCO, on universality indicators, and later on, I will update you on the -- our way forward with these quite extensive procedures and efforts which

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we are doing. So now I will briefly pause to ask if there are any additional aspects, which someone would like to raise. And if not, then let's proceed with the update on the ICANN org, so Xavier the floor is yours if you are okay with that.

XAVIER CALVEZ: For the interpreters I will speak a few words in French and then I will switch back to English.

[†Speaking in French†] thank you very much for the invitation to be here, talk to you to, and present a quick update on this very important WS2 project. We are very gainful to have a few minutes to present to you and to interact with you and we truly are grateful for the time.

I'm Xavier Calvez and I am the finance director at ICANN, and I am in a charge of a new department the operations implementation department this new department will set up the different recommendations adopted by the ICANN Board retailing any review recommendations, and any working group recommendations such as the WS2 working group. I will now move back to English.

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To speak as I was just saying in French, the ICANN organization has created last year a new department which purpose is to implement the recommendations and reviews and from cross-community working groups including WS2, it could include as well for example the recommendations from the auction proceeds working group. In -- this is in this capacity that I'm speaking to you today to provide a very quick update on the work of WorkStream 2 implementation which of course you are participating to. So just as a reminder of WS2 and what it is, it contains -- it's a group that worked after the WorkStream 1 that worked during the IANIS transition.

A number of issues could not be addressed during the time-frame of WorkStream 1 and as a result a WorkStream 2 was created to address -- to take more time to be able to address those topics that could not be addressed in the first WorkStream. Those topics are very important to ICANN's accountability framework and were the subject of a lot of work by the community in the WorkStream 2 and very well attended WorkStream 2 work for several years of the final support were submitted to the Board in November 2019 and the Board approved the -- a number

of recommendations in November 2019 for then the purpose of implementation.

This -- the -- WS2 recommendations of course where -- before the Board were considered and adopted by the chartering organizations each of the SOs and AC that is looked at the report considered the recommendations themselves and approved these recommendations to be submitted to the Board. So this is a collective exercise of course. There are many recommendations that already are included in this WS WorkStream there's 144 of these recommendations. -- maybe you can go to the next slide. And these recommendations are covering as you probably know, 8 or 9 topics, different areas of ICANN's accountability, many of those recommendations are for implementation by the various SOs and ACs including the GAC in this working group, your cochairs and moderators here are leading with you the work of the GAC on those recommendations from WS2 that are included in the overall recommendations.

So ICANN org is also in charge of implementing the other recommendations which form the totality of the 144 recommendations, and we are also working with team members for -- support all of the SOs and ACs in for you of course it's Rob and Julia and the rest of the team -- we working with each of these teams to also collect the information of the status of work that each of the SOs and ACs is carrying out, and so your GAC work on WS2 is something that we also document and incorporate in an overall project status documentation which we are at the moment collecting and we will publish and provide updates onto the entire community on an ongoing basis.

The status of the work is that a number of recommendations where at the time of adoption November 2019, sometimes already in progress so a number of recommendations have already been implemented in previous months. Other recommendations have been worked on in and continued to be worked on and some other recommendations are being planned for the implementation so there's effectively 3 different types of status for each of those recommendations, either already implemented. In the

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process of being implemented, or in planning phase because the work associated with those specific recommendations is more comprehensive or more complex and requires more time to be planned for. We -- the WS2 implementation work is something that has been prioritized by the organization.

What that means is simply in the list of various projects that the organization has to implement, which are many -- and we can come back to that point -- we have taken WS2 as a priority over other projects and are proposing to continue doing so and that was proposed in the FY22 planning documents that were published for public comments over the previous few weeks. And the public comment period is finished. And we have proposed that WS2 continues to be the priority for the organization, and this is over many other projects that are -- that will be the subject of the prioritization exercise in the next few weeks and months.

But we have suggested that WS2 is not included in that prioritization exercise but is prioritized first because of its importance for the entire ecosystem for the entire multi

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stakeholder model. Published on the [Inaudible] about WS2 a quick status update and we are also going to organize a webinar focused on WS2 after ICANN70 in the probably the second half of April, possibly or early may depending on the scheduling possibilities. In order to provide a more comprehensive and more detailed update on the WS2 work including the work of the various SOs and ACs on the recommendations they are working on. With that I will stop here and see if there is any questions or comments that I can address. Lina, back to you.

LINA RAINIENE: Thank you very much, Xavier, and for the presentation. We are looking forward for further work. Further steps and we will do our best to attend the webinar. As regards the comments I see the comment in the chat from India states that India appreciates and supports the efforts of ICANN org but does the issue of defining and measuring diverse [Inaudible]has been overlooked by ICANN Board which has to be prioritized at utmost basis by GAC members in previous ICANN meeting. End of the comment. So Xavier would you like to reflect on that? In any case we are taking note of all the comments over to you Xavier.

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XAVIER CALVEZ: Thank you. And simply just to point out that diversity is one of the 8 or 9 topics that are the subject of the WS2 recommendations that they are several recommendations to be considered and implemented by various SOs and ACs as well as ICANN org, so this is one of the recommendations that is everyone is involved in, which is a very important one, is also a very difficult one to define.

And I know we will see that probably in the next few minutes that the GAC has been working on that specific recommendation and I think the input of the GAC on that recommendation of diversity will be particularly relevant and important considering the membership of the GAC and the visibility that the GAC has on the topic of diversity which of course everyone is interested in, and everyone will, and should have an input on. With that I will stop here. I see there's another question as well. Thank you.

LINA RAINIENE: Thank you, Xavier, thank you very much. I see the colleagues in the chat confirming many, many people are

looking forward to the webinar. Also I wanted to note that Jeff posted the link where the update on WB 2 recommendations can be reached so please look at the chat [inaudible] there. I also -- yes, Manal, please.

MANAL ISMAIL, GAC CHAIR: Yeah, just to note that Kavouss's hand is up, thank you.

LINA RAINIENE: Yes, thank you very much. Kavouss, will you please wave.

IRAN: I have one simple comment in one of the topics you mentioned that you want to have definition of diversity am I right?

XAVIER CALVEZ: No I was simply saying the number of groups including the GAC are working on trying to define what diversity includes, what are criteria to measure diversity.

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IRAN:

I do not recommend to go to that direction. Cultural diversity. Racial diversity. Conviction diversity. Belief diversity. Religious diversity. Age diversity. Sexual orientation diversity disability diversity. Language diversity. This is not necessary at all. It seems that you want to define what is water, or liquid that human beings need.

Diversity is diversity. Whenever 2 things are not equal, they are diverse so why? This is we have discussed it as one of the team in the WorkStream 2 and I don't think that's necessary. We should prioritize our works on something which is absolutely necessary and not go to that think that would not have any good result. Thank you

LINA RAINIENE:

Thank you, Kavouss, very much. You are remark is noted and indeed, in our working group, and in our work for the future we see that this diversity issue is quite complex one, and therefore it should be treated sensitively, and in utmost calm. So with that, do we have any further comments given this part of the presentation? I see none.

So let's move onto the next part of the agenda, will be update on the tracking tool and where we are. I would like now to give the floor to the co-chair of the working group Suada, please go ahead.

SUADA HADZOVIC:

Thank you very much. Good afternoon I hope you are all well. Well on this slide you can see the status snapshot of WorkStream 2 tracking tool. Just to remind all of us from the ICANN68 meeting following the presentation made by the cross-community working part and ICANN and human rights the GAC asked that human rights international law working group co-chairs to initiate the work on developing an implementation tool for tracking substantial areas of the GAC's financial working stream 2 implementation work while at the same time considering how GAC volunteers could be gathered to contribute to this effort.

So in order to illustrate the latest work in this area a Google spreadsheet document is developed. We shared this tool with human rights international law working group on 13 October 2020. We presented this tool at ICANN69 meeting to the GAC during the WorkStream 2

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accountability session and we shared it to the GAC on 20 October by link and shared the link on 23rd December. The purpose of this document is to list all the WorkStream 2 accountability recommendations of GAC importance.

You can find the 2 tabs on the document with the following objectives. Tab 1 is GAC tracking tool under implementation and tab [Inaudible] is guidance, tab providing an explanation on the various section of the tool. Just to note that this tool is intended to be a comprehensive resource that will allow readers to understand what the recommendations, and what the GAC is doing to address, assess and implement each one. Please note that work on this document will be on going work, in progress, until the GAC confirms common agreement that implementation for each recommendation has been reached.

So on this slide you can see that on the third row that we have from GAC working groups that we have only 3 recommendation completed, from 16, and you can see that the GAC leadership has to do 10, GAC support completed 13 from 18. You can see in the notes what is

status of our human rights international law working group work together with underserved region working group.

So 18 January we had a call and on 23rd February joint call with under served region, and, and you can see that we put in this -- in the same tool the third accountability and transparency review team report. That's to remind all of us that we have for GAC recommendations, 6.1, A, B, C, D, E, F, G, H and from 6.2 to 6.9 so just to know that we put this recommendation from this report in this tool too.

Next slide please. So, we have already talk about this recommendation just to remind us, all of us that our human rights international working group have volunteered to take the lead on implementation recommendation process regarding accommodation 3, it's about human rights core value and recommendation 1 about [Inaudible] so we had 2 meetings, 2 call before this ICANN70 meeting and just to note that as you have already said that we have 160 recommendations and our GAC support staff identified a total of 42 recommendation that is impact the GAC, some 3 or 4.

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In this issue that -- so I will read to assessment report that the core issue concerning the issue of the [Inaudible]resolve around the need for union I formed definition of the parameters and diversity and the community discussion on the ones already identified. Geographical representation. Language gender age. Physical disability [Inaudible] skills and stakeholder constituency.

So we have already discussed during our call on this issue, and we have some [Inaudible] for example we are not sure, sure maybe it is good that we have Xavier from ICANN org. Last time we discussed what is the common starting point, and that we should agree to include all 7 elements in diversity. Just to note, that that this list is -- may not be exhaustive.

However all identified elements of diversity are relevant and may have varying importance in different contexts. Familiarity for GAC and only for GAC is important this developing -- development status, for us it is important to have developed, developing and underserved regions. Last time we had also noted that this physical disability is

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not correct because we need to have only disability. That is, that is a term identified by United Nations, so that is our comments.

Thank you very much, and I would like Xavier if he would answer to that question about what is the common starting point, and about these 7 elements, thank you.

XAVIER CALVEZ: Thank you, Lina. I believe there's already work that has been going on relative to this diversity tracker in the recommendations, so the -- the starting point of the work is obviously the recommendation that was made that you are referring to here in the WS2 final report that's the recommendation that was adopted by the Board and that is the recommendation that everyone is taking as a starting point for discussion, but to your point, various groups will see differently a number of the various elements of diversity and, of course, may also want to add other elements of diversity.

You're pointing out for example to physical disability, I completely see the point that is being made here, that

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disability is not necessarily only physical, and should be maybe broadened. I suspect this conversation will also hear in a number of different of the organizations that are looking at that specific recommendation, and I think this is exactly the type of work that needs to be in conversations that need to be had, how to potentially re-qualify some of the elements of diversity, or propose edits to those, and this is something that we will be also monitoring and documenting.

I want to remind everyone that ICANN org is one of the participants to looking at that diversity set up criteria. Among all of the SOs and ACs and therefore it will help this conversation to occur but the points that are raised are very important from our perspective of helping and supporting the work that everyone is doing on diversity.

The final report in the 7 key elements listed in that recommendation is the starting point of course of all input in perspectives from the various SOs and ACs should be added to this conversation and should lead to addition that is are specific sometimes to each SO or AC, or potential edits that may be considered by the entirety of

the various organizations that are looking at this, including ICANN org. One you're making visibility speaks to me, I find it very logical.

Your point there and there may be something that we can see how other organizations are also looking at it and potentially be able to evolve to that language to another language that will receive consensus. With that I will stop here and let you carry on, thank you.

LINA RAINIENE: Thank you, Xavier, for your answer. Thank you, Suada. I assume we already reached the end of this part of the presentation. And actually trying a bit to wrap up the part, I would echo that I would echo the comment of saying from them -- provided in the chat that the issues are very important, but we should keep those manageable.

So indeed, while trying to keep those manageable, we think about delaying already on paper certain aspects of the elements which are important for the GAC because of the specificity of the GAC as already mentioned geographical diversity it's nearly mandated because each

of us represent a separate state or separate organization. Some of those maybe are not so possible to implement because of the specific status of the committee, but on the other hand the recommendations, composed from 2 parts.

One part is to evaluate and take into account the diversity and elements of the diversity, and another part is to monitor and publish, so to provide certain periodical monitoring reporting, so in any case on those 2 things we would have a discussion and should have certain agreement within committee on the matter, so we will kick off this by providing some initial proposals after this ICANN week is over.

And as it was already mentioned by Suada, we are communicating with underserved regions working group, and we envisage to communicate with the operational principles working group because the GAC has the main written document of the operational principles of the GAC which already emphasized certain aspects which are relevant to the topic that we are talking about. So with this, would end this part, and let me move onto the third

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point of the agenda. And let me invite Giaccomo to provide introduction on the aspects of universality indicators of UNESCO. Giaccomo, if you are ready?

GIANCOMO MAZZONE: Yes, thank you, Lina and Suada, and everyone for your attention. I have been asked to give some contribution or the reflection. The [Inaudible] of this contribution is what partly Kavouss mentioned before when he said that we are not to re-invent the wheel. I understand what he means is it we need not to have specific -- advance specific major method, specific definition of what are the different rights and the different things that we want to measure.

The diversity, there are already a lot of indicators existing everywhere and the same for human rights and gender and disability etcetera, etcetera so I think that the easiest thing to do is to try and bring into the ICANN reflection tools that already have been tested and that works. In the sense one of the indicators of this being developed after that WorkStream 2 has been developed is that the excellent work that has been done by UNESCO universality indicators of the Internet.

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Many of the GAC members have been involved in these efforts in the past few years and I this that I know we have the tool that is quite well defined. And that we can probably try to adopt, at least partially for the part we want to push at least within the GAC human rights group. These indicators are based on what is called wrong, that is … that independent [inaudible]. And what is interesting in this indicator is they are not immutable and sculpted in marble, but they are living indicators that are going through application into real situations every year.

Every year UNESCO in association with some states they try to measure the situation of the Internet in the various country across the different region of the world so what is interesting is that through that we can have a feedback. A concrete feedback of how these indicators works and thousand how they impact on the reality and if they are able to measure the impact on the reality in the difference in the enormous difference in the various regions so[Inaudible] accepted by the group and I hope that we can implement and UNESCO has been contacted and it's already available to discuss with us in detail how we can improve the work that has been done and from the

experience of these 2 years of measurement of what's been done [inaudible] thank you.

LINA RAINIENE: Thank you very much, Giaccomo, and actually you bring this message that the indicators as from UNESCO perspective are not set in marble. At the very beginning when we were looking and working in the WorkStream 2 recommending it looked like it was marble and we will just you know evaluate and then we'll just close the issue, but here you are a little bit raising heads up that maybe it will not be the case. So we are looking forward to work with you, and to build our capacity on -- and knowledge in this aspect. So we have 8 minutes left, so now, I would ask people if anyone has a comment?

I see the hand of Kavouss raised. Kavouss, if this is a new hand, please.

IRAN: That is a new hand. Yes, thank you very much. You know that WorkStream 2 toward -- I mean the middle it was decided to have create this 9 group. One of them was the

diversity. The other people were busy elsewhere. They did not participate.

They did not object but doesn't mean that the outcome covered everything. I don't see any equality between the stakeholder diversity and gender diversity. Gender diversity is something very important from the human rights overview and so on and so forth but -- yeah gender this -- stakeholder group diversity, I don't understand the meaning and then constituency diversity. I neither understand this one.

It may the case, but you have to take among those 10 diversity that I have mentioned which is including but not limited and find out the group. Please find out which one of these various diversity from the list that you start, has direct relation with human rights? Some may have very little. So you should take those who has a direct connection and relevance but not the stakeholder group. I don't see that, maybe very little the stakeholder group or -- some people are more skillful the other.

Some people are not as skillful, but it is a diversity. There's very little to the human rights. Maybe some in case they don't have the skill they should not ignore from the human rights because they don't have the skill, but they have to find out which one have. Please kindly consider that. Thank you.

LINA RAINIENE:

Thank you very much, Kavouss, for sure we will consider that, and we are taking into account your comment. Now I would like to ask to switch to the next slide and read very shortly on the way forward we envisage to form our work. First of all I would like to draw attention to the GAC colleagues that the human rights working group Work Plan was prepared on circulated within the GAC mailing list, and you are welcome to provide the comments until the end of this month.

After this period the Work Plan will be submitted to the GAC leadership for that endorsement. Now of course we will continue and... with the underserved registered working group and operational principles working group, as I mentioned, and also to [Inaudible]with the

cross-community working party of the matter. And to look into the UNESCO experience on the Internet universality indicators as it was mentioned. In in addition I would like to point out that while preparing our plan there was proposal from the members of the working group to add new specific activity on [Inaudible]with SubPro working group and new gTLD program will consider appropriate application of human rights related elements.

So for this purpose we will keep more active contacts with our other colleagues from the GAC who are following more closely procedures, and community with them in according information sharing purposes and subsequently we will provide updates to the working group and the GAC leadership on demand.

So with that, we are concluded our presentation of our work done so far, I would encourage colleagues to write comments in the chat or raise your hand for our last 4 minutes for the discussion. And also, while we are waiting for any comments, I would like to emphasize one more time that the human rights working group is open for the

interest of other GAC colleagues as well. I see that Kavouss is raising his hand.

IRAN: Yes, Manal, while I fully appreciate the team effort on this human rights, and so on and so forth, I would recommend that we do not open an open more and more and divert in the main objective that we have because we may not end up with anything. It may become -- I'm sorry to some of the activities I don't name -- they have 70 workshops and so on and so forth but at the end of I don't know what they find out at the end, so we have to concentrate on something that really address the missing or unaddressed issues in the framework of interpretation of the human rights in WorkStream 2 that I did participate very actively.

So please kindly avoid to open, and open on something that [inaudible] work Plan for 2021 is subject to further discussions and should not be taken as a Green light that they fully agree with that. You have to see based on the priorities and the international with [inaudible] and international law and human rights and international law but not something that you can have the universality of

the Internet very open issues and you know with respect to the U.N. human rights the group that establish the -- they did not agree to many, many things but thanks to Switzerland, thanks to United Kingdom document and Brazil and few others they tried at least to put something but they were very reluctant to that. Thank you.

LINA RAINIENE: Thank you, Kavouss. So I would use this opportunity to repeat that the comments to the Work Plan may be provided within a little bit more than one week from today, so we are looking forward to get those. And the major focus to reflect your comment ever the working group now is to focus on 1.2, 1.1 recommendations so meaning the elements of diversity and evaluation, and then of course to close those processes and move on further. So with that, I would ask one more time if we have any more additional last comments? And we have one minute left so Manal, over to you for now, thank you.

MANAL ISMAIL, GAC CHAIR: Thank you very much Lina, Suada, Xavier and Giaccomo and many thanks to all for your attention and

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participation. This concludes our WorkStream 2 discussion but not work, so I'm looking forward to the completion of this task under your capable leadership Lina and Suada. It's time now for a 30 minute break. Please be back at the GAC Zoom room at 12:30 Cancun time 1730 UTC for 2 more back-to-back sessions, 45 minutes each on WHOIS and data protection, and preparations for our meeting with the Board. Thank you everyone. Enjoy the break.

[END OF TRANSCRIPT]

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