
ICANN Transcription

Council Committee for Overseeing and Implementing Continuous Improvement

Wednesday, 05 October 2022 at 12:00 UTC

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DEVAN REED:

Good morning, good afternoon, and good evening. Welcome to the Council Committee for Overseeing and Implementing Continuous Improvement call taking place on Wednesday, 5th October 2022 at 12 UTC. In the interest of time, there will be no roll call.

Attendance will be taken by the Zoom Room. Statements of interest must be kept up to date. If anyone has any updates to share, please raise your hand or speak up now. If you need assistance updating your statements of interest, please email the GNSO secretariat. All documentation and information can be found on the Wikispace.

Recording will be posted on the public Wikispace shortly after the end of the call. Please remember to state your name before speaking. As a reminder, those who take part in the ICANN

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multistakeholder process are to comply with the expected standards of behavior. Thank you and over to our chair, Olga Cavalli, to begin.

OLGA CAVALLI:

Thank you, Devan. Good morning, good evening, and good afternoon, wherever you are. This is a nice spring morning here in Buenos Aires. Not very warm so far. And thank you for joining this morning in our CCOICI meeting number 28, a meeting number 28. So we have the agenda on the screen. We had a meeting Ephraim Percy Kenyanito. We were not many because it was at the same time of the open ceremony, which we missed.

But I think the meeting was quite productive. Maybe we can show the high level notes. This is about if you can recall, it's about human rights in the moment. And I don't know if you have the chance of reviewing the high level notes, and maybe we can show them or maybe Marika or Arial can help me with the content of the high level notes. Let me check the chat. Maybe there's something there. Okay. [00:02:21 –inaudible] standard of behavior, but it is talking. Okay. I think this was shared in the list. This is correct, Marika or Julia.

MARIKA KONINGS:

Yes. Correct, Olga. We shared it. I think after the meeting we had and it was also part of the agenda that we share them. And I think you should be able to see it now on the screen.

OLGA CAVALLI:

Yeah. We can see it now. I think it was an interesting meeting. I think there is a space for keep on working with them in having all these ideas in mind, especially for developing any policies that are related with domain names, having the human rights perspective. I don't know if we can highlight something specific in the document.

Honestly, I don't recall exactly now. Maybe someone recalls this. It was Thomas, Marika, and Ariel. I didn't know who else was there. Any comments, questions about the Ephraim? Marika, your hand is up. I think the idea was to keep in touch with them and exchange some documents, or comments, or best practices in relation with human rights. Marika, the floor is yours.

MARIKA KONINGS:

Yeah. Thanks, Olga. This is Marika. So yeah, I think, basically, recapping what was also in the notes. I think it was indeed at least for me as well a very helpful conversation to better understand from someone that that's an expert in this field. And as you hopefully will have seen, we try to incorporate some of his guidance into the draft documents with the recommendations and an overview of the deliberations.

And what I took away, and again, my personal view there is that I think what the group is trying to do aligns very much with his perspective on this or I think he understood where we're coming from, but also this notion of, indeed, making sure that there is consideration throughout the process, but you don't necessarily need to do a full blown human rights impact assessment at every step of the way.

And what I thought was really helpful is that he actually provided already some suggestions on the type of questions you would need to ask yourself to be able to understand or assess, is there an impact that may require further conversation? And then as well, even if there is an impact that doesn't necessarily mean you need to stop or work or throw everything out of the window. I think he explained as well that is at the point where you then need to ask, is it what you're doing is it really necessary? Is it proportion? And then is it legitimate?

If the answers to those questions are yes, you may still be able to proceed even though there may be an impact, but at least you're able to demonstrate that you've done the homework and you have given a due consideration, or you have been able to find maybe a path that is more proportionate to what you're trying to achieve.

So I said, at least, that I've tried to incorporate into the draft document. As Olga I mentioned, and as you may have seen as well, I think that the recommendations itself are more about outlining the approach to the Council and then basically, if there's agreement to proceed down that path to then implement and specifically produce the materials that would support this type of consideration by working groups.

And I think that's where as Olga mentioned and Ephraim has also suggested that he and others might be willing, and that's state to specifically look at those materials that we would provide the type of checklist of questions that, for example, include in an issue report, or in an initial report, or in the final report. And at that point are able to have that that further expert input to make sure have

we provided the right balance, is the further background information that needs to be provided.

And one thing that might be worth mentioning as well, which was also included in the notes that Ephraim, I think, is working on at ICANN learn course that is intended as well to help inform the community and then educate the community on the link between human rights and the work that ICANN does. And so that may also be an additional tool that could be used for working groups to basically educate themselves about this and hopefully be in a better position to then and also work through some of those checklist questions.

So that's another piece of supporting work that is in the process at the moment. And that again may also help contribute then to making sure that this topic is giving due consideration as part of a policy development process without necessarily creating a big burden or a lot of additional work and adding a lot of time into the process if that is not deemed necessary based on the initial assessment that is undertaken. So that was at least my takeaway in a nutshell.

OLGA CAVALLI:

Thank you, Marika. Very detailed, but I totally agree with you. And I think that one of the most important things that GNSO should have in mind is that they can in any policy process, or process that document that is being developed they can, Percy and his colleagues and who are experts in human rights can be contacted and informally have a view or an opinion about what is going on.

And maybe some best practices or good ideas can be incorporated in the document at a good early stage. Any comments, questions about this issue? Let me check the chat. So you have there the high level notes. And let me see. No reactions. Let me check that list. Okay. Marika, your hand is up again?

MARIKA KONINGS:

Yeah. Just right briefly as I don't see Thomas on the call. I just want to note one of the comments Tom has made as part of that conversation, and I'm sure he will take that himself as well to Council at the appropriate time was maybe to also see if at some point that might be interested to have a conversation with Ephraim and Council.

So he talks a little bit more about the work he has already done in this context working with, I think, a number of registries and registrars in relation to human rights impact assessments to also create a bit of awareness on the work he has already done in that area as that might be of broader interest.

And also, I think, trigger a bit of conversation at a Council level on how that may impact Council's consideration of policy recommendations when they come to Council. Because, of course, that is also part of the work, the gradual consideration going from issue report to the point as well where it eventually gets to Council for approval.

The Council will also have a responsibility there to make sure that due consideration has been given. And if there are flags that have

gone up to make sure that those have been properly addressed. So I think he suggested that that might be a helpful conversation to schedule at some point. That may also put it in context with the work that that's being done here and if when these recommendations get back to the GNSO Council for a further consideration.

OLGA CAVALLI: Exactly. Thank you very much, Marika. Sebastian and colleagues from GNSO, have that in mind. And take profit from experience of this colleagues experts in human rights. Do we have the comments, questions, reactions, in chat? There's no more comments.

Okay. Let's check the agenda again, please. I think we have to review the document. Updated deliberations and draft recommendations. We have a link there. And let's review it. And we have been working on it. And the framework of interpretation for human rights maybe Ariel can help us with this part of the document.

MARIKA KONINGS: It's probably me again, Olga.

OLGA CAVALLI: Oh, it's you again. Sorry.

MARIKA KONINGS:

On this one, I've actually been the pen holder. So I can just walk the group through the updates that were made. As you may recall, this document was already shared a while back and started to or captured conversations of the group to documents where the group to be heading.

So what we've done now is try to incorporate or further develop this document into something that would go into the report for Council consideration. So at the top end, it's basically the deliberations providing a bit the background into what the group considered and then the group's thinking with regards to how approach this topic.

And what you see here in green, is new language that has been added, reflecting, I think, the conversation we had with Ephraim. I said that that seems to align with the direction that the group has been going or was going into already, but also providing a bit more detail on the need to checklist questions that could be asked as well as referring to the ICANN learn course as an additional tool that is likely will be available to the GNSO to use and direct working groups to make sure as well that they have a better appreciation of this topic.

And then there's a second section that would be basically the recommendations part. So I said, and again, some of this language you've already seen, what is a red line is basically what we've added or modified to further enhance the language here.

And the recommendation is really focused on the continuous consideration of the impact of GNSO Policy development on human rights by looking at existing templates for the different work

products throughout the PDP lifecycle, and updating those with checklist questions that would aim to provide a lightweight mechanism to assess whether there is an impact that needs to be further considered.

We'd also highlight basically that the view that if that will be done at an early stage there's also, of course, more likelihood that it will be addressed throughout the conversations instead of waiting until the end of the process. And it would also be in a way to at an early stage maybe prepared a way if there is an understanding that or more a detailed impact assessment is needed that that can be factored in and planned for.

It also includes here the understanding that the Council has a responsibility here as well. So it also needs to ensure that as part of, for example, the chartering of an effort review of an initial report as well as a review of a final report it needs to provide sufficient guidance and instructions and oversight in that regard and it is in the position of asking for a more detailed human rights impact assessment if it believes that's necessary before it would consider the recommendations for adoption.

And then with regards to the implementation as explained previously, I think the idea is that if the Council would agree with this approach, it would be then for Staff to propose the implementation of this approach by reviewing the different templates and suggesting language for inclusion, which we would then bring back to the Council before approving or finalizing those and build in your consultation with people like Ephraim to make sure it accurately reflects, or is it a helpful way of making sure that

sufficient attention is paid to these topics in the different stages of the policy development process.

So that is what is currently there. I said this is trying to reflect what we believe has been discussed to date as well as the feedback that came out of the conversation with Ephraim. But, of course, this is in the end of your document. So we really would encourage you to review, make any comments or edits that you think are helpful.

And once this is in a stage where everyone is comfortable with it, it would get incorporated in the report, which we already shared that captures as well the group's assessment of the other work stream to recommendations, and that would then get submitted to the GNSO Council for its approval.

OLGA CAVALLI: Thank you very much, Marika. I see Sebastian's hand up. Sebastian, go ahead.

SEBASTIEN DUCOS: Yeah. I just wanted to make a quick suggestion maybe. I'm sure she would have joined this group, but she'd been a Councilor last year. But I've heard Bruna making several comments about human rights assessment and things like that. Maybe, Manju, you can support this. Manju shared with us last week or two, sorry. Time passes. Three weeks ago now, I guess. The assessment that they did, for example, on the SSAD.

It might just be worth having her just looking at that and making sure that it fits also the experience that they've had in this. I wouldn't want to stop the whole process and integrating on this very specific point, because I've heard of her speaking about it many times. And she's now a Councilor with us. I think it might be worth just reaching out and asking her to review it.

OLGA CAVALLI:

Thank you, Sebastian. Great suggestion. I'm glad the Bruna joined the GNSO. Marika says the frame was the pen holder for the human rights. What is IA? What was the acronym that I didn't know? Thank you, Marika. Okay. Thank you to Sébastien for the suggestion of letting Bruna know about the document that might be adding her comments to it. Any other comments? Impact assessment, thank you. Okay, thank you, Marika. Marika, your hand is up.

MARIKA KONINGS:

Yeah. Thanks. Just to note that, of course, this document will also go back to Council so everyone will have an opportunity to review it. But, obviously, if there's specific input from Bruna or others with specific expertise in this area that's definitely welcome.

And as this document and the notes were also shared back with Ephraim, so I'm hoping as well if he has any further input or maybe concerns or suggestions on what is being proposed that that he will hopefully weigh in as well. But as I said, we've tried as much as possible to align the approach with the feedback and

input he provided. Also, of course, in line that the group had discussed to date.

OLGA CAVALLI: Thank you, Marika. Manju, your hand is up. Go ahead.

MANJU CHEN: Hi. Thank you, Olga. So I actually have a question. I'm not sure if I missed it. I'm sorry. So we have been talking about this checklist. Right? We have to have it before the PDP starts so we know whether this [00:18:53 - inaudible] impact. And I'm wondering if you are providing this checklist what the recommendations to the Council, or, like, we're only going to develop the checklist after the Council give green light to this recommendation. Thank you.

OLGA CAVALLI: Thank you, Manju. Marika, you want to react to and respond?

MARIKA KONINGS: Yeah. This is Marika. So at this point, what the language foresees, it gives an idea of what the checklist would likely include, like, some example questions. And again we got those from Ephraim and his input. But the idea would be that the actual implementation. So going through each of the templates for each of the documents which are listed here.

So the request for initial report, the preliminary issue report template, the charter template, the initial report, and the final

report template, that we would basically look at each of those and develop specific language for how to factor it in there once the Council has given green light, so basically as the implementation step.

And of course whatever is being proposed would come back to the Council before that is approved. And I don't know if that would go through this committee or that would go to the full Council. And that's at least what is currently suggested, partly as well as this may require a bit more work to go through each these documents and the stuff we may want to touch base with Ephraim or people like Bruna that may raise their hand to look at this to make sure that it touches upon the right questions and goes into the right level of detail.

But of course, if the group thinks that is work that should already be done here and should be part of the recommendations that are provided to Council before getting the Council agreement on taking this approach, that is something you could decide to do as well.

And as I said, we just thought it might be helpful to first check-in and make sure that Council agrees that this is the way to go and then basically have implementation step where we would go through the documents and add sections or parts to those where relevance with the specific questions that we, of course, would consult on. And as I said, those would, of course, all be coming back to Council before they would actually be published and ready for use.

OLGA CAVALLI:

Thank you, Marika. Any other comments? Manju just says cool, also will be happy to share the document with Bruna if you guys don't mind I do it. I think it could be a good idea if you can share it with Bruna so she can have a look at this stage, which is maybe before sending it to the GNSO. So this is your suggestion, Manju.

Okay, I think it's a good idea. I don't know what others think about this. Sébastien agrees. And Marika says documents viewable for all those with the link, of course. No issues with sharing. But okay. I think it's a very good idea to share it with her before sending it to the Council.

Any other comments? Desiree agrees. And Sebastian agrees. Any other comments, questions, reactions, agreement with sharing with Bruna? No. And so Manju will you talk to her. The link to the document in the chat. Thank you, Marika. Okay. I think with this text about recommendations number three, for framework of interpretation for human rights, we are okay. Should be shared with Bruna. And let's see what's next. Marika, your hands up.

MARIKA KONINGS:

Yeah. Thanks, Olga. This is Marika. So to your question, what is next? I think indeed it's a question for the group how much time you need to review the language. Because, again, I think from a staff perspective this could be incorporated the way it is into the report, and we could start the final review of that document, which is settle to incorporate the other parts of the work stream to work that this group has done. Of course, if there are further items that need to be discussed that's really up to the group.

So from a timeline perspective, I think it would be helpful to get some feedback from everyone, how much time you think you'll need, how many more meetings do we need to plan for? I think we do in principle have one scheduled in two weeks-time, but I know that Olga is unavailable then. So we may need to discuss if people need additional time to move that a bit further out, or if the group believes that review can be finalized via email or only if there are significant issues raised that we need a next meeting. So, again, I think all those options are on the table. So I'll stop talking there.

OLGA CAVALLI:

Thank you, Marika. And as Marika said, apologies I am not available in the week of the 17th of October, but I'm available before or after that week. So I'm happy to continue in any other day. Manju, your hand is up?

MANJU CHEN:

Yes. Thank you, Olga. I just as I'm reading through the recommendations, I remember we were talking about this when we were in Kuala Lumpur, that actually, we want this human right impact assessment for all GNSO policy department process, not only PDPs, but also, like, this GGP. Right? One like which we're starting now. So maybe just a quick edit to change PDP to, I don't know, what's the proper words for all kinds of GNSO policy process? So, yes, that's what I'm remembering from what we talked about in KL. Thank you.

OLGA CAVALLI: Thank you, Manju. This is a very interesting comment. I will refer answers to GNSO colleagues. And in the chat Sébastien is saying that let's start with email and call a meeting only when it's needed. Marika, your hand this up?

MARIKA KONINGS: Yeah. Thanks, Olga. I think, very good point by Manju. I just note that I think for the moment we actually don't have templates for those processes, partly as well, because they have not been used yet or we would just basically, I think, use the ones that are in existence for the other processes. But I think at least the language is currently worded impact of use of policy development on human rights.

I think would cover as well other policy processes that the Council uses. But I can maybe have a look and see how to make that further clear that the same approach is expected to be applied for other processes that the GNSO may use in the context of policy development such as an EPDP and GGP.

I think for the EPDP, we actually use the same templates. We just add the expedited part to it. And of course, there are, I think, request form specifically for that as well. And I think there's a template for the GGP is open document if I'm not mistaken. So I'll have a look at that and add that to the list and add links as appropriate so that is indeed clear that it's not necessarily just a PDP because the GNSO does have other processes it can use in the context of policy development.

OLGA CAVALLI:

Thank you, Marika. Instead, I could answer. Manju, any the comments. She says "Perfect." Thank you, Marika. Okay. So this would we consider comment rate by Sébastien? Let's start with email and call a meeting only if needed. Would that be a good way forward? I take silent as a yes? Okay, let's do that. Let's exchange emails and let's decide when there is the next call. As I said, the week of the 17th, I'm not available, but I can do it before or after that week without any problem. And, Marika, your hand this up?

MARIKA KONINGS:

Yeah. Thanks Olga. If I may make a suggestion, what if we give a deadline of review until 19th of October. That gives everyone two weeks to review this specific document and flag any issues. And based on that review, then we can see if a next call is needed. If there's nothing significant by the 19th, what we can then do as a next step is integrate this language into the full report of which a draft we already shared previously, which covers the other WorkStream 2 items.

And then I think if you group another probably two weeks to look at that, we can maybe see how it aligns with the document deadline for the November meeting and aim for getting the report to the Council by the November meeting so that at least an initial conversation can happen on the recommendations in the report as well as the state designations that the group made for the WorkStream 2 items with.

Hopefully, then a decision or approval, hopefully, maybe at the December meeting, depending on indeed how much discussion is

needed. That might be a way of aligning the timing and giving as well a clear path to everyone, also those not on the call for how the next steps are expected to play out.

So if that works for everyone, we'll basically capture that in the notes. We'll work with Olga to see if we maybe want to include a placeholder meeting, a bit closer to the November meeting in case we do need to talk through issues. But maybe we can do that offline and at least pencil a meeting in. And if not meeting, we can always cancel the reports.

OLGA CAVALLI:

Thank you, Marika. I think Desiree she says sounds good. I think it's about your comments. Any other comments? I think it's a perfect suggestion for way forward. Any other comments, agreements? Are we okay with having-- Okay, Manju's hand has shown up? Desiree, Sébastien. Thank you, Sébastien.

Okay, I think we are in agreement. Antonio also says that she's okay with it. Okay, let's do that. Any other comments, questions, suggestions? Do we have any other issues in the agenda? I don't think so.

Next steps, we have already confirmed. Okay, so thank you very much, and thank you for allowing me to be still part of the GNSO in chairing this meeting. And I wish you a nice rest of the week. And let's stay in touch via email. And maybe we see each other in another meeting and in the next week's months. Thank you very much, everyone. Have a nice rest of the day. Thanks, Marika. Thank you, ladies. Thank you, Devan.

DEVAN REED: Thank you all for joining. Have a wonderful rest of your day.
Thank you.

[END OF TRANSCRIPTION]