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Brian Cute:	Okay, they're recording.
Operator:	Okay, the recording has been started.
Brian Cute:	Great, thanks. Greetings everyone on the phone. This is Brian Cute, ATRT 2 meeting of November 1. The purpose of today's meeting is to meet with One World Trust. One World Trust has been engaged by ICANN recently to advise on the development of metrics as it would pertain to review team recommendations. The review team was very interested in having a discussion with One World Trust as ATRT 2 will be introducing in its report a treatment of metrics from its point of view, so to have a full, open discussion and to inform each other's views, that's the purpose of this call. With that, I'm going to turn it over to Christina Laybourn from One World Trust to open up the presentation and then, hopefully – we have an hour-and-a-half – and then move toward a good, open discussion and some Q&A. So with that, Christina?
Christina Laybourn:	Thank you very much, Brian, and thank you everybody who's been able to join me today. I really appreciate the opportunity to tell you where we're at with our work but then also get the opportunity for your input. I think that's very important, given the work you've been doing over the past year for ICANN. Just firstly to say that I'm also joined by Professor Janot (ph) Scholte who's working on this project with me as well. Jan, can you say hello?
Jan Scholte:	I can say hello. Yes, hello.
Brian Cute:	Hello, Jan.
Jan Scholte:	I'm absolutely fine. If I sound a little bit dazed, I'm joining you from Moscow and so I'm finishing my day as you start yours.
Christina Laybourn:	Great. And just to let you know that there's another researcher, (inaudible) he also works with me but is unfortunately not able to join us today. What I'm going to do is provide you with an overview of our work so far and some kind of key scenes that have emerged from my research and interviews. But I'm going to start by providing you with an overview of the One World Trust's approach to accountability, and particularly to the measurements of accountability and what that can look like. Brian thought that this might be a very helpful starting point and certainly, clarity can be very useful. And then at the end, we'll kind of open up for discussion around particular questions and if you have any questions for me, I'll be happy to answer them then.

So apologies if you've heard this from me before, either in previous presentation or in my conversations with you, but I just wanted to clarify what the One World Trust, at least, means when we talk about accountability. The definition that we use is that accountability is the process through which an organization actively creates and formally |

structured balanced relationships with its diverse stakeholders, empowering those to hold it to account over its decisions, activities, and impact with a view to continuously improving the organization's delivery against its mission.

This definition is the one that we use, but you will find it's quite common approach, the stakeholder focused approach to accountability, amongst other nonprofit organizations and from this definition, we draw out for key accountability principles that are necessary in order to achieve best perspective on accountability and they are transparency, participation, both of internal and external stakeholders, and within the kind of internal stakeholders, we include board governance, then evaluation, and also mechanisms for receiving and responding to complaints. Now, around those four accountability principles, the One World Trust also adds accountability strategy, so how an organization defines what accountability is and who it should be accountable to. We've added that following our experience in working with many organizations on their accountability policies, which is really led us to the conclusion that, in order to be effective, an organization must have a clear idea of what it should be doing and who it should be accountable to.

So as I said, the perspective we take is one of stakeholder accountability; how an organization such as ICANN is accountable to its different stakeholder groups and, where appropriate, how they are also accountable to ICANN. So we have some of the groups that we might consider stakeholders of the ICANN on this slide. I think one of the things that is important to note within ICANN structure is perhaps the distinction between those stakeholders who are engaged through formal mechanisms, such as the sporting organizations or advisory committees, and those who are not included within those formal mechanisms, but still are impacted by the work that ICANN does and they can overlap quite often.

To provide an example, we would consider that ICANN is accountable to your average person who turns on a computer and uses the Internet, although you could also argue that they're also accountable to those that do not yet have Internet access but might be wanting it or requiring it. So the net can be cast quite broadly. The other thing that I would add there is that this is not to say that ICANN or any other organization needs to be accountable to all of the stakeholders at an equal level. There's a degree of prioritization that obviously needs to go on and it's just a matter of the organization being transparent and open about how it has made those decisions and why it has made those decisions to prioritize certain groups.

So I'd like to talk a bit about how the One World Trust's approach to measuring accountability – we've got quite an extensive history of working with international nonprofit organizations and also intergovernmental organizations to develop accountability frameworks for them to (inaudible) their current accountability and also to strategically improve it. And that has given us some quite interesting insights, I think, over the course of the years.

Because accountability is really such a normative concept, it's widely recognized that it's very challenging to measure whether an organization is successfully being accountable. Recently we're seeing efforts in the humanitarian sector to try and actually measure the impact of accountability mechanisms, but there really (inaudible) difficult days, it has to be said. They're fully aware of that as well. It's challenging to demonstrate cordiality, there are issues of circularity, as well, going on. But there are some ways in which you can try and get an indication of an organization's accountability to its stakeholders.

Because of the challenges of measuring accountability, most accountability frameworks tend to stay pretty high level. They look for policies that commit an organization to an accountability standard. For example, looking for a document disclosure policy or a mechanism that demonstrates an accountability commitment is in process, like a complaints handling mechanism or a whistleblower's policy. But it should be noted – I'm

sure you will all recognize – that the presence of policies and processes doesn't necessarily tell you whether they're actually working, so quite a few frameworks then goes to the next step and look for evidence of application. Some, for example, will conduct desk or field visits to look for hard evidence of accountability mechanisms in operation. This is perhaps where metrics might come in in terms of measuring evidence of accountability.

But what we at the One World Trust have noticed is that this can really never be comprehensive for more than a small organization without vast expense and unrealistic levels of research going on. And the other thing is that that doesn't tell you, really, anything about the effectiveness or the quality of the mechanisms that are in question. So the One World Trust's global accountability framework goes a step further into building on, as I said, the extensive work that we've done with international organizations in the past. What we do is we look at how an organization internally assesses the accountability mechanism through quality management systems. And the thought behind that is that if quality management systems provide an organization with regular data that can be used to monitor the outputs of the accountability mechanisms and identify any problems so that they can be rectified, that, in itself, will drive improvement. That's obviously not guaranteed, but it can be an indicator of it.

And obviously, this will be heightened if the results of the quality management systems are made public because then the drive to identify issues and to improve upon them will be greater. So a proposition within the global accountability framework is that you can use the presence of these quality management systems as a proxy for the quality of an organization's accountability. And this is something that I would like to propose as one approach that we can use within the development of the accountability benchmarks ICANN.

As I said, the challenge I think will be how to find metrics for these quality management systems. I think will be a good approach to benchmarking against other organizations and also to driving ICANN to greater internal improvement, while that my suspicion, which I perhaps need to test out is that the metrics will actually be needing to measure the practicalities of ICANN's work. But again, I think that's a good question to put to yourselves as part of ATRT 2.

So moving on, then, to what activities we're currently undertaking. We're about halfway through our work for ICANN at the moment. We're due to submit our draft metrics and benchmarks along with the implementation plan the week before Christmas. So that's where our focus is. I began by conducting a very preliminary review of ICANN's accountability policies to provide me with some, like, oversight of where I can is, although I have to say as my time's gone on, I've really realized that a lot more exists in practice than a dozen policy, which is a fair and a good thing, probably, I think.

The next task that we have completed is to analyze four nonprofit standard-setting initiatives in order to look at what their definitions of accountability are and also what principles they identify as being key to achieving accountability to stakeholders – and that's in order to guide development of the benchmarks so that they are in line with pure expectations of international nonprofit organizations.

We're then currently – my colleague Manija (ph) is currently working on case studies of three other multi-stakeholder nonprofit organizations in order to identify what their approach accountability is, with a view to extracting learning and lessons for ICANN and also to guide our development of the metrics and benchmarks.

At the same time, as I said, I'm now in the middle of my interviews with key ICANN staff and stakeholders on this whom are yourselves, I've already had the opportunity to speak to. My interviews have really had to objectives – one is to get more of a sense of where ICANN's current accountability strengths and challenges lie, but then also to

explore what the metrics and benchmarks should be measuring and how they can be supporting ICANN towards greater improvement and how they can most effectively be demonstrating to their stakeholders ICANN's improvement of accountability. Once I finished that process, what remains is to build on my preliminary review of ICANN's accountability with a qualitative analysis and suggestions for improvement.

What I will hasten to say is that this will not be as in-depth as the One World Trust previously conducted for ICANN in 2007, simply because it is not the sole focus of this consultancy, but when I was talking about the design of this consultancy project with Larissa, it was clear that in the course of our research, we were going to be gaining some quite useful insights into ICANN and so it made sense for us to be providing our perspective on ICANN's accountability and also recommendations where we thought ICANN might improve.

We're then going to be taking the outputs of all of the above activities and building on them to develop a draft set of accountability benchmarks and accountability metrics, and that will be accompanied by a proposed implementation plan, talking about how benchmarks and metrics should be piloted, consulted on, and then how they can be operationalized over the next few years – and that will include consideration of the need for revisions and so forth, as ICANN looks forward. And as I said, the goal is to complete this, I think it's just the week before Christmas, and there will be an opportunity for ICANN staff to review what we've put forward and then feedback to us before we kind of finally submit in December.

I wanted to provide you with some of the kind of initial findings that are coming out of my work. I'm sure that these are not going to be – well, let me put it this way. I'm sure these will be familiar to you as members of ATRT 2. I wouldn't expect that there are any particular surprises concerning ICANN's accountability. What I've heard is that across staff and stakeholders, there is a very broad commitment and enthusiasm for ICANN as being an accountable organization, but there are notable differences about what accountability actually is and who it should be to, and also what I should add here, is what is the purpose of being accountable. However, there is agreement that accountability needs to go beyond near transparency, so just uploading (inaudible) amounts of documents on the website isn't quite sufficient for ICANN to be truly accountable to its stakeholders.

I've also heard about the admirable improvements that have been recently made towards widening stakeholder engagement around the world and ensuring that stakeholders in, perhaps, previously underrepresented areas are now being reached out to and brought in, so that they can also contribute to ICANN, which is a very important step. That said, we have heard concerns about ICANN's accountability and two, in particular, are focused around how staff and stakeholders contribute to policy decisions and particularly the role of the (inaudible) again, I'm sure that will come as no surprise to you.

And then other concerns, which have focused around the functionality of ICANN – there is complaints mechanisms. They're obviously for different complaints mechanisms ICANN engages but there are concerns, both about the scope that they have, the challenges with engagement, and also the weight that the complaints mechanisms have to respond at adequately to complaints.

In terms of what the metrics and benchmarks might look like and what their functions might be, some of the thoughts that we're initially having, building on the results of the interviews, I think firstly, there's a very, there's a large emphasis on the fact that they need to be simple, easy to communicate, and also not over burdensome on staff. One of my real goals as the consultant engaged to do this is to ensure that what we create and present ICANN fulfills its objectives, but to do that, it needs to be accessible. There is no point as proposing something very complicated, very burdensome, that's just then gets

put on a shelf because it simply cannot be implemented or stakeholders cannot engage with it.

We're also hearing that the benchmarks will allow comparison with other organizations, certainly, but my idea is that they will also drive ICANN's improvement. As I said, I think one of the key ways they can do this is by looking for publicized quality management systems.

So what we're thinking of, then, is that there will be overarching benchmarks allowing comparison, but then within these, will set a handful of metrics, perhaps 10 to 12, which measure key aspects of ICANN's work in order to broadly track ICANN's accountability improvements over time. There will be challenges identifying what these metrics will be. Certainly, I think some are very obvious; some, it will be harder to find the right metrics to measure different aspects of accountability within ICANN. But at the moment, we're thinking that these metrics might include existing metrics that are being gathered from the (inaudible) through processes like the dashboard. There's often things within that that we can build upon or kind of reference and pull up. As I said, one of my goals is not to be over burdensome on staff and so to use what is already out there, where appropriate. I think that said, there will be some areas where we're needing to recommend that new analyses is undertaken in order to fulfill certain metrics.

And then the other aspect that we're currently thinking over that the metrics might involve is perhaps a type of annual stakeholder survey asking about stakeholders perception of accountability and the idea is here to bring in their perspective on particular issues that they will complement the kind of internal organizational measurements that are being undertaken.

And so, what I would now like to do is to put some questions to yourself. You're very welcome to ask me questions about what I've just told you, but I also would really like to take this opportunity to prod you a little further about these four questions.

So firstly, what is the real purpose and benefit to ICANN using these metrics and benchmarks and what was in ATRT's mind when that was recommended; what do you think the goal should be? Please identify to me is there any key aspects of ICANN's work that you think a particular metrics need to focus on. And then maybe some questions about what the metrics and benchmarks need to achieve in order to successfully measure ICANN's accountability and how we can communicate ICANN's progress to the stakeholders against the metrics and benchmarks. If you have any thoughts around how that can be done effectively, it would be great to hear them.

Perhaps it would be good opportunity, though, to start by asking if there any questions about the presentation I just made, and then we can move on more specifically to questions being put to ATRT 2.

Brian Cute: Sure. Thanks very much Christina. This is Brian. Let me give you a little bit of a view from the review team, a reaction or two to the presentation, speaking for myself, and then I'd like to open it up to the review team members to address some of the questions you posed here, or provide other views. Also, David just so you know and you're probably aware, I don't see you online, so I can't see your hand, but if you want to get in the queue, just, you know, raise your voice and will get you in there.

A couple of thoughts to start off and frame. In terms of metrics, this review team has observed that since metrics were not really implemented and a full or meaningful way during the course of implementation of ATRT 1, recommendations that it's difficult for this review team to measure. Certainly, we can see tasks that have been completed and things that have been done, but getting to the important aspect of measuring progress and effective implementation of recommendations is a key part of this from the review team's perspective and anything that we recommend out of our report.

The other thing that I would observe was – and because there are certain sensitivities in the community, well-founded or not, and that's kind of what we have to get to is the well-founded or not, and that's where metrics can help provide information and data that, if properly structured, can signal and communicate to the community how well is the organization doing – but the point that was made in an earlier slide that metrics should not be over burdensome to the staff. Let me offer these thoughts. This review team, in building its recommendations, has been actively discussing with the staff and with Steve Crocker, who is the Chairman of the Board and who's a member of the review team, the importance that the recommendations that are offered not overburden the staff for the organization and in implementing recommendations we are conscious that that requires resources, time, human resources, money, legal analysis, other things of that nature and that we are going to endeavor consciously to get feedback from the staff before we finalize our recommendations to understand what the burden is that is imposed by implementation of a recommendation.

I was curious to the phrase that the metrics not overburden the staff. I'd like you to kind of explain that a little bit because we view implementation of a recommendation and the burden there seriously and are trying to address that. I'm not quite sure what you mean by a metric overburdening the staff. Could you explain that a bit, and then I'll open it up to the rest of the team?

Christina Laybourn: Sure, Steve, thank you. I think the – I have heard some concerns from staff when I speak to them, that, "Oh, gosh this is another set of metrics." I think their concerns are that we're going to send them off and they're going to have to start trolling out data and analyzing data in order to provide evidence against a whole raft of metrics. I have to say when I was talking to the staff and describing that, you know, we were talking about maybe 10 to 12 metrics and also that some of those would be things that are already being measured by the organization, there was kind of a sense of relief and an appreciation that that was the case. I think there might been a fear that I was going to present them with 72 brand-new data points that they were going to have to find evidence for. So that's what I was implying by over burdensome.

Brian Cute: Okay, so that was a reflection of a staff observation?

Christina Laybourn: Yes, yes, it was.

Brian Cute: Okay, thank you.

Christina Laybourn: And I do think it, sorry.

Brian Cute: No, go ahead, please.

Christina Laybourn: I very much appreciate that the metrics need to be driving forwards ICANN's accountability to stakeholders but it does need to be able to be implemented effectively by staff. So it is important to recognize the amount of work that might be required by them.

Brian Cute: Okay. And I just to remind me Lise, Alan, Avri, I do want to get to the question of the timing on the calendar of One World Trust report and making sure that our work streams are synched sufficiently to inform our reports, so don't let me get off the call without coming back to that, but Alan, if you would, your hand is up.

Alan Greenberg: Thank you. You first asked for any questions about your, what you've done so far. I do have some comments on your overall questions, but in terms of clarifications, you mentioned that there are four types of complaint mechanisms and to make sure we're not talking at odds, could you identify what the four are?

Christina Laybourn:	Yes, sure, I probably should have done that in my presentation. So the four that I've identified would be the reconsideration request procedure, the independent review panel, the ombudsman, and then the staff whistleblower policy.
Alan Greenberg:	Okay, we have a discontinuity on that one –
Christina Laybourn:	Okay.
Alan Greenberg:	- when you get to general questions.
Brian Cute:	Do you want to lay out the discontinuity, Alan?
Alan Greenberg:	I can elaborate, now.
Brian Cute:	Yeah, please.
Alan Greenberg:	ICANN, those are the complaint mechanisms with regard to transparency. One of the questions you asked is why do we care about transparency and one of the suggested answers was levels of customer service and there's a host of – and probably increasing greatly over the next couple of years – a number of other customer service complaint mechanisms which are a source of great problems, or viewed as great problems, and metrics on those are one of the things that I would view as very important and metrics which are meaningful, not just the mechanisms, the complaint mechanisms related to transparency, but the complaint mechanisms related to the business we're in, essentially, which I think is that (inaudible) –
Christina Laybourn:	So is that in relation to (inaudible) the compliance?
Alan Greenberg:	Compliance is certainly one of them and probably the largest one. There are others which relate to compliance, but may be a slightly different perspective and with the new GTLDs that are being launched, there's a whole new process that's being developed, which is going to be potentially burdensome, potentially very controversial, and it's going to be really important to be able to demonstrate to the community that this has been done properly. I mean there's always going to be dissatisfied customers. That's the world we live in. But in answer to your overall questions, my answer to the first question is why do we care is credibility and that comes right back into the customer (inaudible) complaint mechanism. Thank you.
Christina Laybourn:	Thank you.
Brian Cute:	Did you want to respond, Christina, or take other inputs?
Christina Laybourn:	I'd like to take some other questions, perhaps, and then I can maybe respond collectively.
Brian Cute:	Sure. Anybody else? I'm not seeing any hands up of David or anyone else who's not online?
David Conrad:	This is David. I'm sorry, I'm in a place with some challenging network connectivity issues. I guess one of the key considerations that I have is that we establish baseline of performance in the accountability realm and then are able to measure those over time, see whether they improve or degrade – that establishing the metrics is sort of the first step. The second step would have to follow very closely. That is establishing the baseline, and then periodic review and collection of those statistics over time in the context of the accountability stuff, you know, I guess I agree strongly with Alan in the sense that their whole issue here is to establish a certain level of credibility. There is a perception among many that ICANN is not accountable and one of the ways to address that is to sort of measure the areas of which things where accountability matters and over time show, hopefully, improvement.

Christina Laybourn: Yep.

Brian Cute: Thanks, David. Lise and Alan, your hand is up. Is that up, anew?

Alan Greenberg: That's a new hand.

Brian Cute: Okay, Lise and then Alan.

Lise Fuhr: Well, I think if, my answers to the first question is that I find metrics is a very important tool to coordinate the expectations from the stakeholders to ICANN because having accountability and transparency and not having a way of measuring how it's carried out, I think, it's better to show we have these ideas of how to measure our accountability and transparency and how we do it, and then it makes it more obvious for the stakeholders if you comply or not to this. So that's aligned with the credibility, too, but also a way of giving a tool to kind of make feedback easier towards ICANN from the stakeholders. That was it. (Inaudible).

Brian Cute: Thanks, Lise. Alan?

Alan Greenberg: Thank you. One of the issues that's been mentioned is comparison with other organizations and in fact, my colleague, Olivier's put in the chat at the very beginning of this session that he thinks comparisons with other organizations is very important. I tend to differ. I think it's a dandy way to raise red flags. If we're much worse than other people, than other people have managed to be, that's a good red flag. But I find the kind of argument that has been raised in fact and ICANN in regard to this instance how fast we develop policy – that we're faster than other organizations is a wholly unsatisfying answer. So being worse than everyone is a good red flag. Being better than everyone doesn't prove anything at all. We're in a relatively unique business, as it were, and maybe that can be said for almost everyone, so it makes comparisons different, but if there's a great level of dissatisfaction and Lise mentioned expectation setting, and that is certainly part of it, but if there's a great deal of dissatisfaction in the community, then there's a problem. The problem may be that we have to set expectations, because there are reasonable, but simply saying we're better than someone else does that really hold a lot of water in my mind. So I personally would like to see a de-emphasis of that other than in terms of raising red flags.

Christina Laybourn: Yeah, I could maybe just jump in there because it certainly chimes with some things that I've been chewing over. I will say certainly in some respects I think ICANN well exceeds the accountability of other kind of similar organizations that I've looked at, although I do think comparison might well raise some red flags, as you said. I think it will be an interesting process for ICANN to compare itself and I don't think it will simply – well my intention is that it will not simply be a matter of awarding ICANN 3 out of 5 and the WTO 4 out of 5. I think there needs to be a lot more qualitative comparisons with those benchmarks. So finding, okay, maybe they're not doing as well as us, but they're doing certain things a lot better or they've got an interesting approach to something that we could maybe trite or learn from. I think there is some value in that. As I said, however, I think another function of the benchmark can be to drive forwards ICANN's accountability internally, so that it's, the metrics are maybe measuring what I can does but the benchmarks are providing a broader engine behind ICANN's improvement over time.

Brian Cute: Thanks, Christina. Jan's hand is up.

Jan Scholte: Yeah, thank you. I was wondering whether the group, the ATRT, had any thoughts about possible detriments of using metrics and benchmarks. Have you thought about that it might work detrimentally in any way? I'm thinking of a couple of possibilities. One would be that certain qualifications could mask or distract from the quality of the

accountability practices. So for example, you could get nice measures about increased numbers of documents going out but perhaps there would be even more dense in technical language, so that many stakeholders couldn't understand them, so the metric would show that things were getting better but in fact, in terms of effective transparency, they might be getting worse. Or increased numbers of consultative meetings, but may be they end up being with far smaller circles of people, so it shows greater numbers of consultative meetings, but in fact, there's less consultation. Anyway, just those sort of things. Doesn't one have to be very careful and do measurements necessarily tell everything? Likewise, any danger that you choose metrics and the choice of the 10 to 12 metrics that you might choose, that you choose metrics that are harder or easier to improve upon, because you could sort of bias the outcome from the start by the metrics that you choose.

Brian Cute: Thanks, Jan. I'll react to that for myself and certainly open it for others. I think all those points that you raised are very important. We wouldn't want biased results through metrics or results that mask a qualitative effect of activities and efforts. My assumption, speaking for myself, is that One World Trust, in providing a report to ICANN staff, who will go about the business of identifying and implementing metrics to the review team recommendation implementation going forward, that you would provide them with that expert analysis so that they can take stock of the metrics that they ultimately use and avoid those pitfalls.

So for me, I haven't thought specifically about the detriments, but that's clearly important. For me again, only, what I feel has been is more important and it echoes some of what you've heard from Alan, is in this community, there continues to be in some ways some serious concern and some suspicion about whether or not ICANN is accountable. Now that may or may not be true in each instance but the importance of instituting benchmarks and metrics that are well designed will provide the data to communicate to the community that will allow those suspicions or assumptions to be tested, one way or the other, and that's the importance of this and also, something you said Christina got my attention, which is an interviewing the staff, I think your observation was that actually in terms of accountability more exists in practice than in policy and you suggested that that's actually a good thing and, if that's the case, I would suggest that is a good thing. But, however, if that's the case and it's not visible to the community or, and/or the practice itself hasn't been measured, then we're still stuck at where we are and we haven't used metrics to inform the community about the good practices that are taking place.

So that's kind of my sense of things here. Anybody else have any –

Christina Laybourn: Yep, absolutely.

Brian Cute: No, yeah, please, react to that if you would.

Christina Laybourn: Yeah, yeah, yeah. I absolutely agree with you. I think all too often when I work with organizations, there are, you know, reams of policy documents and actually nothing is done on the ground. So, my point is the fact that ICANN is actually doing these things is great. I absolutely agree, and it was one of the very first things I noticed about ICANN, that I think a lot of the concerns that stakeholders articulate is because they don't fully understand or appreciate what exactly ICANN is doing or what ICANN means when it says it is being accountable and I think clearly setting that out, whether it's through an accountability framework or through accountability metrics as we're not talking about, is a very good way of doing that obviously, the metrics provide a way of saying, "Yes, look. This is how we are meeting them this year and we're improving on last year or we're not improving on last year," but at least it's allowing people to see at a glance what ICANN is doing.

As I said, I think a lot of the metrics are going to be drawing on things that are already being measured by the organization, but it's going to be presenting them under one clear

umbrella of ICANN's accountability. So stakeholders are able to look at a particular webpage, for example, and it's there, it's clearly demonstrated, "This is what ICANN means by accountability. This is what we're measuring in order to show that we're being accountable."

Brian Cute: When you say the community doesn't understand what ICANN has done or is doing, can you put some examples around that or a little more flesh on that thought to get a sense of that of where you've seen that?

Christina Laybourn: Sure, I mean I think it can be quite, perhaps speaking from my own experience as someone coming to ICANN, you know, when I very first started creating my overview of what ICANN doing in terms of accountability, if you're trying to just track things through what documents and policy or what you can find on the website, which I think everybody recognizes that can be quite hard to navigate – it's very difficult to get that overview. In terms of specific examples that I've heard through my interviews, I think – I mean obviously, the people that I'm speaking with our very engaged within ICANN, so they may be are aware of that, but like I said, there are, the differences of opinions about what accountability actually means. So is accountability about being purely transparent? I had somebody telling me they think ICANN is absolutely 100% accountable, because it puts everything up on the website. And I would fundamentally disagree with that because I think accountability is about far more than just transparency. We have to look at the effectiveness of that transparency and you also have to look at the other dimensions, as I've mentioned.

Brian Cute: Yep, yep. Alan, please.

Alan Greenberg: Yeah, couple of things. An expression we've used in ATRT on a regular basis, and it's curious that it hasn't come up in this discussion, is we don't want things where people can simply, "tick off the boxes". That yes, they've met a criteria, but it doesn't have any real substantive impact. So picking the right metrics is absolutely critical. And you're right that being transparent is not accountable. There are a number of areas that I could raise – not important each in their own right, but just interesting – where ICANN is completely transparent but if you look at the substance of what they're being transparent about, they're being completely arbitrary at the same time, you know, with no level of logic behind it but they're posting it, if you can find it.

And the other thing I was going to comment on; you said a lot of things are in practice but not policy. Even if things are in policy, if they're not, if those policies aren't actually followed, it's rather moot. It looks good but, again, we have instances where, you know, examples where the board may have made a decision to do something. If you now say, "Where's the follow-through of ICANN actually doing it?" Or a red flag being waved that they didn't do it, it's not there.

And the other thing is ICANN has a propensity, I think, to say, "We are completely transparent. Everything is posted." But then when you go to look, you find out that the financial reports haven't been updated since 2010. Or someone changed jobs and something else hasn't been done in four years or two years. And the follow-through sometimes is lacking and there's no way of tracking that until someone actually complains and then maybe it gets done.

Christina Laybourn: Okay.

Alan Greenberg: So there's a whole series of things that have to actually happen for this to work. And sometimes ICANN is really good at it and sometimes they're really bad.

Christina Laybourn: Yeah. I mean, I absolutely agree with what you're saying, particularly around this shouldn't just be tick box exercise. I think that goes back to the point that Brian made

about, you know, we have to be selecting the metrics that are going to be really useful, that are going to push ICANN forward.

I'm sorry, I lost my train of thought. And yes completely agree with you as far as the transparency goes and the need to be kind of following up on the substance of that and the commitments and policy absolutely do not make that you're doing it in practice and that was one of the points that I felt when I kind of came to ICANN as well. A lot was happening in practice. That's, like I said, that's a better thing than just having a whole load of policies sitting on the shelf and nothing actually happening.

Brian Cute: Thanks. We've got – Jan's hand is up.

Jan Scholte: Yeah, just wondering whether the ATRT group have any thoughts about metrics that would differentiae among the types of stakeholders. You see Christina's slide about the different groups of stakeholders – do you want any differentiation amongst them? I mean, when you have metrics about consultations, for example, the consultations might be quite biased towards certain types of stakeholders. Do you want that differentiated in the metrics or do you just want general metrics that are telling us about transparency, rather than saying transparency to whom or consultation rather than consultation of whom for evaluation, rather than evaluation by whom, etc.?

Brian Cute: It's an interesting question, Jan. I'll, again, speak only for myself and then open it up. This is Brian. I'm not sure that would be the direction I personally think is the way to go. I assume that there are metrics and metrics tools that are useful in benchmarking and measuring progress and ICANN's implementation of recommendations from this review team and the other review teams. I'm not sure I understand well enough the notion of differentiation of metrics according to stakeholder group. I would assume the goal is for a well-tested metric – and just as by way of an example, the ATRT 1 offered as guidance, it was just a suggestion. We didn't put a firm recommendation that ICANN adopt metrics, but we clearly stated that we thought it was important for the organization to consider that. That review team felt it was ICANN's role to develop the metrics, not a review teammate of volunteers who are not experts in that field, but did offer, just as one point of guidance, the smart objectives are smart metrics tool as one tool to look at when building objectives for implementing recommendations. So again, I think notionally, there's different metrics and different metrics toolkits out there that I assume One World Trust can identify that ICANN staff can look at and use in a thoughtful way to get the types of measurements that are, in fact, useful and not detrimental and that's my view.

Anybody else on the review team? Oh, Jan, please.

Jan Scholte: Well no, just to come back on that, there was a major study just published by Cambridge University press about the so-called opening up of intergovenmental organizations to (inaudible) civil s society groups and what they found, or their headline message, was that there was a major opening up by the intergovernmental organizations already prior to the major, so-called, anti-globalization protest and so on of the late 1990s and early 2000s and what they didn't do in that study was differentiate between the different stakeholder groups. And once you did that, then you found out that the so-called opening up that proceeded the public mobilizations was actually an opening up mainly to think tanks and business groups. And that the subsequent opening up following the mobilizations was to NGOs and social movements. Anyway, this is just an example of where, if you don't differentiate between stakeholders, you could come up with some rather misleading results.

Brian Cute: Fair enough. I, you know, I guess one way to look at it. I think it's important that we keep the clear distinction between transparency and accountability, because both are important and both need to be addressed and transparency is, there is quite a bit amount of transparency at ICANN. A lot is published, but accountability is also another important factor is also another important factor and instituting metrics to demonstrate

progress and accountability and transparency to the stakeholders, which is what I think you're now referring to – I'm not an expert to the extent that differentiation from that perspective makes a difference then, you know, my assumption is that One World Trust will be providing solid guidance to ICANN on that front.

Christina Laybourn: Yeah, I mean I think we're certainly aware of the need to identify the different stakeholder groups in the different requirements that the stakeholders have and my intention is certainly that the metrics will be reflecting that. I'm a proponent of the smart approach and obviously, the S is for specific and I think you need to be very particular about who you are, what the measurement is aimed at. But that will have to be – I mean, we cannot look at every single stakeholder group for every single aspect of accountability. And so it will need to be a matter of selecting who the key groups are for a particular issue.

Brian Cute: And what I'm hearing, I think, is, sounds to me from a scientific standpoint, important but needless to say, from a political standpoint, I think all of the stakeholders in ICANN are going to believe that ICANN should be equally accountable to all of them and that there is a political rat's nest that I'm hearing that we would obviously want to avoid. That that one stakeholder group feels as though ICANN has to be accountable to them in a particular way that opens up Hell's gates across the stakeholder groups – pardon my rough phraseology there.

Christina Laybourn: I think you are right to warn me of that. I mean, as I said, our perspective (inaudible) cannot be accountable to all its stakeholders in an equal way. I understand that that might be a politically controversial issue and perhaps we need to provide clarity about what we mean by that statement and what the implications are of that and so I will certainly watch that rat's nest.

Brian Cute: Yeah, I think that would be important to be clear if that's an important element, then, to be very clear about that. The other question that I had going back to an earlier part of the conversation – and Alan, I see your hand up – is the comparison to other organizations. My own view, and I'm not speaking with my chair hat on; this is just Brian. I think the better focus is ICANN focusing on what its processes are, what its deliverables are, and setting the bar to be the best it can be to implement metrics that allow measurement and communication and understanding of how well it's doing. I also see some risk in the comparing ICANN to other organizations other than for looking at other organizations to see what metrics, what benchmarks, what processes, what tools have they used and if they've been effective, are those tools that ICANN itself could use. When you get into comparing ICANN against others, in different ways, in ways that make qualitative judgments about how ICANN's doing versus some intergovernmental organization, I also see political risk there that doesn't necessarily address the central question of what we're trying to get at here – and that's just my own observation.

Christina Laybourn: Brian, I'm really interested to hear that because I have to say I think you echoed some of the concerns that Jan and I have discussed and we need to as well and perhaps I'd then like to put it out to the other members of ATRT and perhaps hear from them on whether they agree or what they think the rationale is behind having benchmarks that compare ICANN against other organizations.

Brian Cute: Alan, your hand is up and then Avri.

Alan Greenberg: Yeah, thank you. On two points that you just referenced, and I think I'm agreeing on both of them. First of all, with reference to other organizations, there's a whole host of binary measures which I think are important. If everyone else does have a whistleblower program that looks really clean and actually has been used on occasion, that's important if we don't have one.

Actually talking about the metrics and the details, I think is, in my mind, of lesser importance. But Brian raised an interesting issue and as DDU on comparison of stakeholders and treating them differently and having different, perhaps, metrics associated with them. It's an issue which comes up continually in ICANN. Why is the GAC important than, in my case, ALAC? You know, why do you listen to them and you don't listen to us? Why does the intellectual property people able to move mountains and get you to do things whereas people on the other side of the argument, privacy advocates, you pretend your heads in the ground and don't hear – so it's an issue that comes up continually and there's a huge amount of sensitivity on it.

And to the extent that any recommendations are going to end up essentially either advocating or (inaudible) accepting the fact that there are inequalities between the various stakeholder groups, I think, has to be done carefully and explained. Thank you.

Brian Cute:	Avri?
Christina Laybourn:	Yeah, I would like, maybe just like to – I'm really sorry. Can I answer this question?
Brian Cute:	Of course, please Christina, yeah.
Christina Laybourn:	Thank you. I would like to clarify. Obviously I would say about the GAC is given, perhaps, more status or paid more attention to than other stakeholder groups. I'm not saying that that is right. What I am saying is that if ICANN decides that that is the right approach that it wants to take, it needs to provide a clear explanation and justification for that. And I think probably, I would hope, in the process of being made to explain why it does that, it might accept that actually it needs to be placing greater emphasis on the other stakeholder groups. I think – you know (inaudible).
Alan Greenberg:	That's probably what I meant.
Christina Laybourn:	Yeah.
Brian Cute:	Avri?
Avri Doria:	Hi. I guess, well I sort of agree and, in fact, have argued that we need to do metrics that are specific to ICANN. I think there is also value in some metrics that point outside. Perhaps it similar to what Alan said, but really in each of those cases of using them, you would have to show why it's analogous and that becomes the difficult part of trying to take organizations, for example, ISO and ICANN, which are very different in their forms of multi-stakeholder model and to show that you actually have an analogous situation so that the metric does compare. So when you start comparing outside, but I think that sometimes it can be the right thing to do, especially if one really stands up as obvious.
	And I understand that the distinction that was being made in terms of metrics that are applicable to one stakeholder group but for not another without that making them unequal but basically, they are different in their equality. Now, their treatment may be different and perhaps those metrics will show why that treatment is different, but there's always that – things that are equal are not always the same and so sometimes if you want to measure something that's equal but different, you need to look at it differently. Thanks.
Christina Laybourn:	Exactly.
Brian Cute:	Any other hands?
Unidentified Participant:	Brian, this is Larisa and I know, I apologize for confusing everybody in the room, because I'm operating under Sharla's login.
Brian Cute:	That's all right. Hi Sharla, I mean Larisa.

Unidentified Participant: Sharla's actually not on the line, so I am Sharla today but I do have a question for Jan and for Christina. Given your experience of dealing with other organizations that are in a similar place as I can looking to establish something meaningful and measurable and specific and yet being concerned about measuring the wrong thing and striking that perfect balance between quantitative data and qualitative assessment, what have you seen as best practices? How would you propose that ICANN approach this quandary, given where we are in our process of establishing benchmarks and metrics?

Jan Scholte: Yeah, Larisa, I think my sense on this is that you cannot get an apolitical metric. No matter what you do, the metrics are going to favor certain answers and outcomes relative to others and they are going to bring out certain aspects and they're going, relatively, to mask certain other things. I think you, when you do, you put together these metrics and benchmarks, you have to just acknowledge that yes, inevitably it's going to put the spotlight in one place rather than another place – and just be conscious and clear that that's what you're doing and that you are making choices when you do so and I think Allen's point that there are going to be sensitivities – it's probably unavoidable. No matter what metric we put out, somebody's going to say, "It doesn't favor me." And it is a quandary and I don't think there's actually an answer. In this sense, these sorts of things are not scientific in the sense of apolitical.

Brian Cute: Thank you, Jan. Any other questions or comments? Looking for hands. Christina, let's talk about the calendar.

Christina Laybourn: Yeah.

Brian Cute: I thought I heard you say that your target was to deliver a report the week before the Christmas holiday.

Christina Laybourn: Mm-hmm, so the date that I've agreed with Larisa and her team is so the final submission of the report by 20 December. Now, prior to that, on 2 December, we will be submitting the draft metrics and benchmarks and also the draft implementation plan, so that there is a two week opportunity, slightly more than two weeks, opportunity there for comments to be received and for us to respond to those comments.

Brian Cute: Okay. And hopefully, we'd be able to get a copy of that on the review team as well to provide any feedback we might have?

Christina Laybourn: I certainly wouldn't have a problem with that if Larissa and Denise are happy for that. What I would caution, though, is from prior experience comments by committee can be extensive and so I would encourage you to try and perhaps be (inaudible) –

Brian Cute: Summarize or –

Christina Laybourn: (Inaudible) Yep, summaries would be great and also recognize that we're not going to be able to be all things to all men and so we will have to make judgments about which comments are really useful and think of some very useful factors that we perhaps haven't thought about, and which comments we just have to kind of accept, but move on from.

Brian Cute: And that's fine. If I can opine, and if anybody from the review team feels differently, please do speak up. I don't view – you've engaged with ICANN staff and I don't view the review team as directing your work in any way, shape, or form. Our primary concern is that we need to present the report to the Board of Directors by December 31. The week of December 9 is really our cutoff date for any inputs for us to be able to work them into our final report. So if you have a draft on December 2, that timing is quite good and at the same time, whatever we offer in our report about the issue of metrics, I think it's important that it be informed by what your approach is – that we have a clear understanding so we can offer something meaningful back to the board as well. So if we

can get a copy of that report on the 2nd, then that would be very helpful to our work and we would absolutely work to provide you any feedback in as manageable a form as we can.

Christina Laybourn: Great, thank you very much.

Unidentified Participant: Brian, this is Larisa. I also wanted to make sure that the review team was aware that there will be a presentation in Buenos Aires. Christina and her team will be presenting updated information on that, I believe it's the 20th, November 20, which is a full, almost three weeks from this point, so we expect that there will be considerably more work progress and findings and the purpose of this call was to give an opportunity to the review team to have a productive engagement which Christina and Jan have been able to give you enough substance and the other way around as well, to give you a better roadmap as to how this work is progressing. But on 20 November, there will be more information, more direction, and I would encourage and invite everybody to participate in that update and certainly that will continue to provide updates and share information as it becomes available.

Brian Cute: That's great. Is that a public session?

Unidentified Participant: Absolutely.

Brian Cute: Terrific. We certainly should attend that, or whoever can who doesn't have a conflict from the review team and hopefully will get a number of folks from the community into the room as well to provide direct feedback from their perspective, too. That's very good.

Okay, I think we have a workable calendar in terms of our work in parallel from what I've heard. Yeah, I'm just looking at Avri's note. Do we have a conflict of ATRT meetings with the session on the 20th? Could you check that, Larisa, to make sure we don't, or if we do, we're aware of it and –?

Unidentified Participant: Yes, I'll check that out, absolutely.

Brian Cute: Thanks, Okay, good question. I want to come back and ask one more follow-on and we still have a little more time so if anybody from the review team wants to ask a question, please do. Jan, you made a statement in your last contribution to the effects that – I'm just reducing it – that all metrics are political. Is that genuinely your view? Are there any metrics that are just kind of, you know, metrics and measurements and they spit out data that – are you saying that the interpretation of the data from metrics is always political or that the metric itself, the benchmark, the tool itself, is somehow political in every case?

Jan Scholte: Well I think in every case, there is always another metric that you could've chosen and there's always a relative emphasis amongst the metrics that you do and there's always a selection of one type of measurement, rather than another. For example, you might have a very good, to good, to satisfactory, to poor type of measurement, or you might have a 0 to 100 measurement – all of those inevitably will be taken one way rather than another and inevitably different stakeholders, as Allen was mentioning, will look and use those metrics and benchmarks in their own particular politics that they wage vis-à-vis ICANN. The idea that you're going to have certain metrics, I think you were saying at the beginning, that you know you would get a certain set of metrics which would settle once and for all whether there should be concerns or suspicions about ICANN's accountability. I don't think you're going to get that kind of metric. Someone can always say, "Oh, the metric should have been different or the metric should have paid more attention to me." I just can't imagine a metric that is going to avoid those kinds of struggles. You can do it well. You can do it consciously. You can do it precisely. You can do it carefully. You can do it explicitly and you can let everyone know exactly what you're doing and that would be a very transparent metrics, as it were, and you can think very carefully,

Christina, I, and you as you give us advice, what are the political implications of doing it in this way rather than that way and then make very specific and explicit and conscious political choices as we do it. But the idea that – well, and Christina knows this from the One World Trust owned global accountability project. They came up with various metrics and measurements and comparisons of organizations and each one of their reports that came out generated a very healthy debate. But there were debates. No one would ever agree that the numbers were true, right.

Christina Laybourn: Yep, I can back that up. Jan is absolutely right. And I think what is important is that you receive the input and that you consider it and perhaps, if necessary, respond to it. But at the end of the day, you have to pick something and I do agree with Jan. There will always be other metrics that you could've chosen.

Brian Cute: Okay, David Conrad is typing. Did you want to make an intervention? Okay, you're not. Okay. Anybody else from the review team? I think we've had a good full discussion. We've got a little bit of time, but I have no problem stopping before the half-hour is up, if there's no other contributions. Last call for hands.

Let me close it this way. Christina and Jan, is there anything you need from the review team I would be helpful from the review team in your work?

Christina Laybourn: Oh. Aside from having all of your brains on plates in front of me so I can put them fully, no. I mean I've had an opportunity to speak with some of you individually. I think this conversation has been very helpful, and in terms of kind of raising issues that you're aware of when we're going about developing the metrics and benchmarks. So I just like to thank you all for taking the time to speak with me. As Larisa said, will be providing substantially more updates during the Buenos Aires conference and at that stage, we should have some kind of idea of what some these metrics might be or what they might look like, what they might be measuring and I look forward to percent in that to you then and receiving some feedback again.

Brian Cute: Okay, terrific. Well thank you, Christina, thank you, Jan, very much. Very interested in the work you're doing, looking forward to seeing you in Buenos Aires and getting you some feedback on your draft in December. If there's anything you need from us, just signal that to Larisa and we're at your disposal and Larisa, thank you for setting this up, appreciate it.

Unidentified Participant: Thanks very much.

Brian Cute: Well with that, yeah, with that, we'll close the call. Thanks everyone for attending and we'll see you all in Buenos Aires.