**PERSONAL COMMENT OF EDWARD MORRIS**

Hello.

Coming at a time of unprecedented change in the structure and governance of ICANN, the GNSO review is of extreme importance both to the future of worldwide internet governance and of this corporation itself. As an elected member of the GNSO Council, representing over 500 individuals and non-profit corporations in the NCSG community dedicated to the public good, I look forward to working with those in the greater GNSO community and beyond to create an even more robust, effective and efficient governance model than the one we now have.

To accomplish that goal the first thing we need to do is to completely disregard the entire Westlake report. The only value of the work of our independent contractor is that we can use it as an example of how never again to retain, instruct and conduct an independent review. In over two decades of working in and with consultancies and political polling firms, including periods with Research Analysis Corporation and Penn and Schoen, I have never before come across such a methodologically inept and amateurish study by a presumed professional consultancy. It is an absolute disgrace that our registrants money has been used to pay for this shoddy work. Richard Westlake should be ashamed that this report bears his name. ICANN should never again engage the services of Westlake Governance Limited.

In this comment I will not be addressing any of the recommendations made by Westlake in this report. Most of them I agree with, a few I do not. That really does not matter in terms of the value of this study, or the lack thereof, and what we should do with it.

If I go into a bar and engage folks in conversation I’ll find some people I agree with and some people I don’t. It’s just bar talk. I can’t extrapolate those bar room conversations and make them any more than what they are: bar conversations that are singular and representative of nothing of wider significance. Much like the Westlake report. Our New Zealand colleagues turned ICANN into a big bar and had some conversations with the folks they bumped into. It was a friendly bar because the first people they talked to introduced them to a second person and so on. ICANN is a very friendly community. Soon Westlake had a bunch of “ICANN bar” friends whose opinions they included in, nee became the basis of, their study. In methodological terms that is known as snowballing and it’s neither a respected nor a preferred methodological technique. It’s just casual bar talk. It is not representative of any wider population. The results of the Westlake report are not representative of the ICANN community nor of any group other than the people Westlake ran into or were referred to by others in the “ICANN bar”.

Snowballing does have its uses. When it’s difficult to identify or locate respondents it’s sometimes the only thing you can use. Snowballing (aka chain referral sampling) might have to be used, for example, if you were doing a study involving people with a rare disease, trait or if you were trying to interview individuals with rather exotic skills, characteristics or viewpoints. Not everyone, for example, claims to have been abducted by alien forces. If you were doing a study on such a unique set of people you might very well have to use chain referral. When you have to do that, though, no matter how justified, you are sacrificing your ability to extrapolate your findings onto a wider population. Just because your cohort of alien abductees believes something does not mean all alien abductees believe the same thing. You do not have a representative sample so cannot make any such claim. Sadly, Westlake does.

Ask yourself this question: are members of the ICANN community hard to identify, locate and contact? Are participants in G.N.S.O. processes part of some sort of hidden community or are they open and identifiable? Please consider the following:

- At the time of writing (25 July 2015) 481 individuals have GNSO Statements of Interest on file with ICANN (https://community.icann.org/pages/viewpage.action?pageId=14713457)

- All constituent components of the GNSO publish their membership rosters online. Here, for example, is a roster that identifies the 428 current members of my home group, the Non-Commercial Users Constituency (NCUC) (<http://www.ncuc.org/about/members/>).

- ICANN publishes a list of all public registrants at ICANN meetings. Here are names and identity information of the 1,467 public registrants at ICANN 52 in Singapore ( <https://registration.icann.org/reg_disp.php?id=singapore52>)

I would suggest that identifying people who participate in the G.N.S.O. processes is fairly easy. Locating contact information might be a bit more difficult, but given a modest effort do-able. After all, most of these people are parts of organisations that maker up the GNSO. Westlake never tried. Westlake never made the slightest effort to obtain a representative sample for their study. Westlake never attempted to give us a study with conclusions based upon standard generally accepted statistical sampling techniques. Westlake, frankly, never tried to give us a professional work product. They gave us no more than “bar talk” wrapped in dressing that made it seem more sophisticated, more relevant, than it really was.

One can locate a short, easy to read lesson on snowball sampling at this url: <https://explorable.com/snowball-sampling> . You will note that there are three reasons given for the use of snowballing as a research technique: 1.it can be used to locate hard to reach populations, 2. it needs little planning and requires little in the way of staff, and 3. it is “cheap, simple and cost efficient”.

As we’ve already determined that the first reason does not apply here I can assume that this methodology was chosen because of the later two reasons: it’s cheap and simple. It may have been easy for Westlake to do things this way, it may have allowed Westlake to submit a lower bid for the project or to make more money for themselves but what this inappropriate and simplistic methodology did not do is deliver a product of any value whatsoever. You just can’t generalize results of interviews that were generated from a sample that is composed of subjects chosen in a manner that consists of biased referrals rather than probability based sample techniques. Westlake is trying to sell us pure “bar talk” masquerading as true professional research. They hope we won’t notice. We need to.

To compliment the interviews we have a survey, the 360 assessment. It looks impressive. Upon examination, however, it is just as flawed as the interview component of the study. It too should be ignored.

I have to give credit to Westlake: they know how to make junk look like legitimate research. I direct your attention to the impressive looking charts on pages 93 and 94 of the draft report. Look impressive? They actually represent absolutely nothing of true value or significance. These results should and must be ignored.

These are not random samples. When queried at the 23 June 2015 Non-Commercial Users Constituency (NCUC) meeting in Buenos Aires Colin Jackson of Westlake admitted the respondents included in these surveys were not picked at random. They were self selected. Mr. Jackson stated “We can't force people to reply. I can't say there's 400 members here, I'm going to identify 50 of you and force 50 of you to reply. I mean that would be random.”

No, Mr. Jackson, that would be compulsion.

Random sampling describes the sample, not the response. Mr. Jackson was unable at the NCUC meeting to tell attendees what exactly the sample was that was used in this study. As best we can tell it, too, was referral based. They sent the survey to whomever they were told might respond. Referral. Not random. There was no quality control, no attempt to control the sample for any variable, it too was complete junk in terms of quality.

Even if the respondents had been selected in a random manner the sample size was too small to yield data of any real value. Please take a look at the chart on page 95 concerning constituencies and stakeholder groups. Looks impressive. Upon examination it’s not. Sadly, it’s just more junk research masquerading as professional research.

A casual reader might think these numbers refer to an actual study measuring the opinions of members of the respective groups. They don’t. First this is non-probabilistic sampling (a.k.a. more “bar talk”, in written form) with no value in terms of generalization. Second, the respondents were not necessarily members of groups, just “close observers” of groups.

I, for example, gave very low marks to a constituency I do not particularly like. I’m not a member, but I do follow them and do not like them. I’m happy I made their numbers go down. I regret I didn’t ply at this a bit more, raising numbers of groups I like and lowering numbers of groups I don’t. I’ll remember that for next time.

The ironic thing is that even if this had been a random sample of members the sample size itself is too small. Take for example that, according to the chart on page 94, 52% of respondents felt that the NCUC had a balanced and appropriately representative Executive Committee. This highly specific number is based upon 27 respondents. At the time of the survey the NCUC membership consisted of 404 members. A random survey of NCUC members with this small a number of respondents means that this study would have a confidence interval of 18.23 and, thus, all we know is the real percentage of members who agreed with the statement, with a 95% confidence level, is somewhere between 33.77% and 70.23%. If the respondents were randomly generated, which they were not, and all members of the NCUC, which they were not.

This chart and these numbers are absolutely meaningless, have no real value, and should be disregarded and discarded. In a scientific sense a Ouija board could produce results as valid or as invalid as this Westlake study.

In summary, as a qualitative study there is no perceptible valid strategy or control here other than the “observations” of Westlake staff (sure hope they enjoyed those paid visits to ICANN meetings!) and the use of anecdotal comments from largely unidentified parties. The quantitative aspects of the study lacked any rigor or application of standard statistical sampling or analysis techniques. Samples are generally undefined, non probabilistic and too small to generate the conclusions extrapolated from them. Adjustment of what little methodology there was mid-study (e.g. the Supplementary Working Group study) raise questions of corrective measures polluting the findings (e.g. strategic sampling).

This study has no value and should be completely disregarded.

On July 5, 2015 I filed a Documentary Information Disclosure Policy request with ICANN in an attempt to obtain a copy of the contract specifications contained in the contract that retained Westlake Governance for this study. This work is not acceptable and needs to be redone, either by Westlake or, preferably, a more reputable firm or academic institution.

Reorganization of the body responsible for the policy that governs much of the domain name space should not be done based upon poor quality, unprofessional, cheap and shoddy research. The GNSO deserves better, ICANN deserves better and the entire community deserves better. We need to demand it.

Respectfully,

Edward Morris

GNSO Council