



Internet New Zealand (Inc)

Submission to ICANN

on

ITEMS organisational review of the ccNSO

31 August 2010

Public Version (there is no confidential version)

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Table of Contents

1 Introduction..... 1

2 Summary..... 1

3 Methodology..... 1

4 Issues with the detailed analysis..... 3

5 Response to the recommendations 6

I Introduction

- 1.1 This submission is from InternetNZ (Internet New Zealand Inc).
- 1.2 InternetNZ is a membership-based, non-partisan, not-for-profit charitable organisation responsible for the administration of the .nz top level domain.
- 1.3 Our mission is to protect and promote the Internet for New Zealand; we advocate the ongoing development of an open and uncaptureable Internet, available to all New Zealanders.
- 1.4 InternetNZ has two wholly-owned charitable subsidiaries to whom management, operation and regulation of the .nz top level domain are delegated. These are:
 - 1.1.1 .nz Registry Services, the Registry
 - 1.1.2 Domain Name Commission Limited, the Regulator

2 Summary

- 2.1 We were very disappointed with this survey as there are too many flaws in the methodology employed for any weight to be attributed to many of the recommendations. There are some issues that have been addressed properly but overall the report leaves as many questions unanswered as it answers, which we regard as a missed opportunity for the ccNSO.

3 Methodology

- 3.1 Our first major concern is the report has been produced from two very distinct primary sources, the interviews and the online survey, each of which appears to have had a different set of contributors, a different set of questions and a different mechanism for analysis. Yet the results of these two very different processes are intertwined throughout the report without any distinction.
- 3.2 The authors should have recognised that the wildly different composition of the two sources would reasonably be expected to return very different views. To illustrate this, the following table shows the different breakdown of interviewees to survey respondents:

	Online Survey	Interviewees
ccTLD members of ccNSO	56%	41%
ccTLD non-members of ccNSO	24%	8%
ICANN personnel	4%	27%
Other SOs and Acs	11%	14%
ccTLD regional organisations	4%	0%
Other	0%	11%

- 3.3 It is unclear why and how the 'other' interview participants were selected, in particular who they are intended to represent and what relevance that it is to the ccNSO. For example, one of the seven is from .berlin, a non-existent TLD with no obvious notable relevance to the ccNSO.
- 3.4 From reading the report it is clear that the interviewees were free to talk about any issue involving the ccNSO, whether or not it formed a part of the review. Those same issues were not then included in the online survey, so denying those that responded their chance to comment on those issues. It would have been acceptable for those issues to not have been included in the report, or been introduced in an appendix as personal views of interviewees that had not been subject to further scrutiny, but this is not the case. Instead two very serious errors have been made in the creation of this report:
 - 3.4.1 Those issues raised solely by interviewees are included in the main body of the report with a degree of significance that cannot possibly be justified without corroborating survey evidence.
 - 3.4.2 Even where there is clear empirical evidence from the online survey, this is often undermined by reference to the interviews, despite them being unrepresentative.
- 3.5 This is made worse because throughout the report it is unclear as to whether the opinions quoted are from interviewees or survey respondents, which is particularly concerning where the opinion is quoted as part of the analysis of answers to a survey question.
- 3.6 Our second major concern is that a statistical survey has been conducted but not analysed with the normal statistical tools that we would expect, and without which the accuracy of the results is called into question.
- 3.7 No mention is given of the margin of error on the results from the online survey. From our rough calculations (full figures are not available for us to check precisely) this can be up to +/- 10% though that is complicated by the broad range of stakeholders surveyed.
- 3.8 There is no attempt at checking statistical significance when making claims of significant difference. For example there is a claim associated with figure 16 that "governmental and private sector registries are somewhat more critical than non-profit and academic organisations". However rough calculations (full figures not available) of statistical significance show that the difference for "governmental" is significant but for "private sector" it isn't.
- 3.9 Our third major concern is that assertions are made either in direct contradiction to the evidence presented or without any evidence or connection to the views expressed by contributors to justify them. An example of the latter is the statement in section 3.1 that the ccNSO website "has a somewhat antiquated appearance and is not particularly easy to navigate."
- 3.10 Our fourth major concern is with the four-point scale, from 'poor' to 'excellent' used throughout the online survey. In most of the figures where this scale is shown the scores of 2 and 3 are unlabelled and in the attached analysis the scale is described as being "1 – Poor, 2 – Below Average, 3 – (unspecified),

4 – Excellent”. We cannot recall how the scale was labelled in the survey but think it unlikely if it was only partially labelled that it would be interpreted as this. Instead the more likely interpretation is in figure 47 (p60), where the scale is fully labelled as “Poor, Average, Good, Excellent”. Any lack of clarity in the minds of those filling in this survey on the values they were assigning makes the results of those questions that used this scale completely unusable. If the survey did indeed label all the scores then this should have been reflected in the figures of results.

4 Issues with the detailed analysis

- 4.1 p22 (Effectiveness of the ccNSO in respect of its key objectives – Survey and interview findings). The report makes the claim “This latter category is striking, in our opinion, as ‘don’t know’ response rate for this type of question usually oscillate between 2% and 6%, and in view of the fact that the survey was principally targeted at ccTLD Mangers [sic] and clearly identified constituencies within ICANN who might be expected to at least be aware of the activities of the ccNSO.” This claim is incorrect for two reasons. The first is that the question asked was about effectiveness of the ccNSO, not awareness, and answering a question about effectiveness requires far greater knowledge than just awareness. The second is that 24% of the respondents were ccTLDs who are not members of the ccNSO and so would not reasonably be expected to be able to assess its effectiveness. This is strongly supported by the evidence on page 23 (figures 11, 12 & 13) where at least 30% of non-members answer ‘don’t know’ to each individual question on effectiveness, as do at least 15% of all ICANN SO and AC representatives.
- 4.2 p25 (Difference of perception depending on ccTLD registry type). As explained above in 3.8, the correct analysis is that only governmental organisations have “a more guarded or negative perception”. It is disappointing that this was not explored further to understand the reasons for that view.
- 4.3 p26 (Disparity of perceptions between geographic regions). The report states “An analysis ... in the five geographic regions ... reveals some differences with slightly higher expressions of satisfaction in ... However, these are much less pronounced”. A basic check of statistical significance would indicate whether these differences are meaningful or not and the conclusion could have reflected this. We do not have the data to carry out this check but a crude estimate indicates that there are no significant differences in the results by region.
- 4.4 p28 (ccNSO meetings). Again, the simple expedient of checking statistical significance would have shown that satisfaction results from the ccNSO’s own survey have a margin of error of 24% and therefore the report would have benefitted from testing this issue further.
- 4.5 p32 (Limited access to information in other languages apart from English). The survey clearly demonstrates that this is a factor that needs addressing. However no evidence is presented that can be used to determine exactly what other languages are a priority for the ccNSO to support.

- 4.6 p33 (Limited access to information in other languages apart from English). The report explains “The reviewers went to considerable lengths to encourage non-English speaking TLD managers to take part in the survey, and several did.” but it then goes on to say “However, many others did not and this begs the question of the actual number of TLD registries around the world that still lack the motivation to participate in the activities of the ccNSO because of the perceived language barrier.” Linking the participation in the survey to participation in the ccNSO due to language barriers is not reasonable. Also, even if such linking were appropriate, the implied conclusion is still unreasonable because the efforts aimed at overcoming language barriers for respondents to the survey would indicate there is another reason for the lack of participation from non-English speakers in the survey.
- 4.7 p33 (Difficulty attending meetings). The respondent/interviewee quoted raises an interesting point about the difficulty in attending meetings due to delays in obtaining visas but this questions was not addressed by the online survey so we have no information on whether this is a widespread problem or not. If it were widespread then this would be a very serious issue for the ccNSO and ICANN in general and would need a rethink of the ICANN strategy on where meetings are held.
- 4.8 p35 (Policy development process). The report makes the following claim in reference to results presented later in section 3.2 (p48): “In spite of this generally positive perception about the appropriateness of the mechanism, 60% of respondents across all categories consider the complexity of the ccPDP may have been a factor that prevented the ccNSO from achieving its objectives.” However when we examine section 3.2 there is no evidence there to support this claim. The only question that has a 60% answer is in figure 40: ‘Significance of possible blockages to membership’ where 60% identify “Cannot commit my org. to ccNSO policies” as a blockage. This is an entirely separate issue from the complexity of the ccPDP or the effectiveness of the ccNSO.
- 4.9 p36 (IDN ccTLD Fast Track Mechanism). The quoted comment introduces the concept of an “ICANN-wide Policy Development Process” but this concept is not referred to or explored further. We note that the recent ICANN board decision on redirection and synthesis came close to introducing an ICANN-wide policy by the back door, making this a relevant point of discussion.
- 4.10 p38 (Limited outcomes in terms of policy-development via the PDP mechanism). The analysis of this issue appears to be very confused. The survey results on p35 (figure 28) show that there is low dissatisfaction with the current process and yet a number of comments are quoted highlighting that dissatisfaction. Furthermore there is an assumption that the disparity between the GSNO and ccNSO figures for completed PDPs is indicative of a problem, yet this is contradicted by the results in figure 28. If the authors felt that there was a problem despite the evidence of figure 28 then it would have been sensible to have tested that specifically in the online survey.
- 4.11 p47 (Survey and interview finding on enlargement of membership). The report claims “... 74% of respondents in the same category who report having received no information from the ccNSO describing its purpose/function ...” when the actual question that resulted in the 74% answer was “Have you

received information from the ccNSO inviting you to become a member?” The two are quite different.

- 4.12 p48 & p49 (Distrust / hostility towards the ccNSO). p48 introduces the concept of a “hostile respondent” and p49 goes on explain this further. Given the apparent ease with which “hostile respondents” were identified it would have been very useful for the criteria used to identify “hostile respondents” to have been shared and have had the answers to the entire survey presented in a way that splits out the “hostile” viewpoint.
- 4.13 p49 (Quality of information). This is one of those questions where the interpretation of the scale fundamentally changes the answers. If the scale is “Poor, Average, Good, Excellent” then the results shown do not agree with the analysis. 95% of respondents rated the information as “2 – Average” or above and only 6% rated it as “1 – Poor”. The claim in the report that “a majority tend to have a low opinion of the quality of information” cannot be substantiated by the evidence.
- 4.14 p50 (Membership of the ccNSO - Analysis and recommendations). It is unclear how transparency or resources have been included as obstacles to membership and in need of remediation when neither appears on the list of obstacles that were asked about in figure 40.
- 4.15 p55 (Coordination within the ICANN system - Analysis and recommendations). The analysis in this section is particularly messy. The entire issue over the role of “global registrants” and “global registrars” appears to have been introduced by a small number of interviewees who do not understand how the ccNSO or ccTLDs work. Unfortunately the authors, seemingly unaware of the relationships that ccTLDs have with their own registrars and registrants, have accepted this at face value without testing it with ccTLDs. This in turn leads to an unjustifiable recommendation.
- 4.16 p58 (Perceptions of the ccNSO membership). When assessing the resources available to the ccNSO the report claims “Around half the survey respondents and others we have interviewed consider that it has [necessary resources] and current staff members are sufficient:”. We note that this section does not present the results of a survey question that supports this claim, nor can we find any such question in the rest of the report. We should also note that making a claim based on a percentage of interview respondents is meaningless given the unrepresentative composition of those interviewed.
- 4.17 p61 (Budgetary resources). It is very disappointing to see the inclusion of this section despite it having been made very clear to the authors that any investigation into the budget was out of scope for this review. It is unclear what the motivation was of the report authors in including this section, particularly the sub-section on ccTLD contributions to ICANN, which cannot have any possible relevance to this review.
- 4.18 p76 (Accountability of the ccNSO - Survey and interview findings). Figure 66 is another where the scores of 2 and 3 are not labelled and the authors assume that 2 is negative.

- 4.19 p79 (Term limits for council members). We note that assumptions behind the recommendation in this section were not tested in the online survey.
- 4.20 p80 (Respective roles for council and chair). We note that assumptions behind the recommendation in this section were not tested in the online survey.
- 4.21 p81 (Financial transparency). The report authors have again strayed far from their brief of transparency and are attempting to tackle the politics of the ccNSO relationship with ICANN. The correct approach would have been to consider whether the data provided by ICANN meets a requirement for financial transparency. The view from the ccNSO is that it does not because it includes several areas of expenditure that should not be attributed to the ccNSO, namely:
- 4.21.1 Expenditure associated with ccTLDs that are not members of the ccNSO.
 - 4.21.2 Expenditure on ICANN initiatives related to ccTLDs that the ccNSO has specifically advised are unnecessary.
 - 4.21.3 Excess expenditure from an ICANN failing to secure best value.
- 4.22 p81 (Visibility of ccNSO policy activity). We note that the assumptions behind this section were not tested in the online survey, nor is any evidence presented that interviewees raised them. This calls into question the origins of the recommendation in this section.
- 4.23 p82 (Members' understanding of the ccNSO mandate). The report claims "It is apparent from our findings that there is a patent lack of consensus about what is actually meant by 'policy development', who it should concern, and the mechanism by which it should be developed". However this claim is not supported by the clear evidence presented in figure 28 (p35) and figure 29 (p36). It appears that the minority views of some interviewees, possibly with very little knowledge or engagement with the ccNSO, that the ccNSO should be doing more policy has morphed into the claim above.
- 4.24 p84 (Accuracy of the mandate), p84 (Strict vs loose interpretation of the bylaws), p85 (Compliance of actions undertaken), p85 (Interpretation of the mandate and perception of compliance), p86 (A need for clarification). In these sections the clear evidence of the online survey is inappropriately undermined by reference to the interviewees. The views expressed here are those that would seek to change the bylaws, which as clearly evidenced in figure 70 (p84) and figure 73 (p89) are views with very little support and furthermore are not relevant when assessing the compliance of the ccNSO with its current mandate.

5 Response to the recommendations

- 5.1 Recommendation 1. We support the sub-recommendations for a comments mechanism and a position paper mechanism but we do not regard either of these as a policy development mechanism, as neither would lead to a change in behaviour for any member.
- 5.2 Recommendation 2. We do not support recommendation 2 and recommend that further work is carried out in this area. We acknowledge that language is

an issue for ccNSO participants but see no evidence that indicates that the five UN languages are the most important to support.

- 5.3 Recommendation 3. We do not support recommendation 3 and recommend that when the appropriate languages are identified, proper consideration is given to the best way to introduce those languages to the working of the ccNSO in a reliable and sustainable manner.
- 5.4 Recommendation 4. We agree with the first sentence about outreach but not the rest of the recommendation. We note that no previous mention has been made of “value added services”, they are not defined and there is no indication of how they would tackle the obstacles to membership, many of which appear ideological rather than commercial.
- 5.5 Recommendation 5. We agree with this recommendation.
- 5.6 Recommendation 6. We do not agree with this recommendation. ccTLDs all have their own relationship with their registrars and registrants and generally operate in a local market where only a limited number of registrars and registrants operate across ccTLDs. To specifically include the views of the global registrar and global registrant communities represented within the GSNO would distort the balance of views received.
- 5.7 Recommendation 7. We support the general recommendation of a more collaborative web presence but would caution against the development of the existing web site to do this when a number of commercial web sites offer this with considerable functionality.
- 5.8 Recommendation 8. We do not support this recommendation. We note that the issue of resources for the ccNSO has not been adequately assessed and there is an absence of anything other than anecdotal evidence indicating that more resources are necessary.
- 5.9 Recommendation 9. We support the general principles of this recommendation as being in line with established best practise for good governance but further consultation is needed with ccNSO members.
- 5.10 Recommendation 10. We support this recommendation.
- 5.11 Recommendation 11. We do not support this recommendation. We do not agree with the claim made in the recommendation will improve financial transparency, rather that this is directed at way the ccNSO and ICANN resolve disagreements, which is entirely out of scope for this review.
- 5.12 Recommendation 12. If we had been asked our views on this then we would have agreed with the need for it, but it is difficult to support a recommendation that apparently was not tested with any of the participants to this review.

With many thanks for your consideration,

Yours sincerely,

InternetNZ