ISPCP Constituency
September 2006

TO: LSE Public Policy Group
RE: Comments on LSE Review of Generic Names Supporting Organization

The ISPCP Constituency thanks you for the opportunity to comment on the extracts from the upcoming Review of the Generic Names Supporting Organization. Whilst we appreciate you only requested that the data is checked for accuracy, there are some fundamental principles that really do need to be taken into account as the way the data is being interpreted raises major issues over both it appropriateness and therefore its validity, in achieving any meaningful assessment.

One of the important features of the constituencies that make up the gNSO is their diversity. As your report has indicated there is diversity in make-up, attendance, and participation. However, the extracts of your report make it seem that that diversity somehow ends when constituency operations is considered. Such a simplification is perhaps necessary if one tries to establish common metrics for participation and representation. However, such a simplifying presumption is incorrect and is the source of several factual errors and incorrect conclusions in the extracts of the report we have seen so far.

The assumption that all gNSO constituencies operate in the same way – or even, that all constituencies should operate in the same way is a mistaken one. Metrics of participation or representation that may be appropriate to one constituency can be completely inappropriate to another.

One important example of this is the suggestion that a simple count of participation or communication is sufficient to understand a level of activity within the gNSO. Once again, constituencies are very different in this regard. Telecommunications and Internet company participation in ICANN has often been delegated to trade associations. This is especially true in the case of ISPs where early versions of the constituency by-laws encouraged trade associations to be the vehicle for participation.

Those sections of the document and the supporting graphics that rely on this mistaken assumption should simply be removed from the final version. Their presence encourages mistaken conclusions about participation, transparency, and quality of representation within ICANN.

Section 2.33 should be removed. Uncomplicated examination of the ISPCP mailing list would have found the participation of Verizon, AT&T, BT, France Telecom, CABASE, Deutsche Telekom, NTT, JP-NIC, EuroISPA, CIX and smaller ISP organizations amongst others. An Alexa ranking of those organizations may well have been interesting. It should also be noted that the level of participation in the last five ICANN meetings for

the ISP constituency averages greater than 20 individuals with more than 14 different organizations participating.

We believe that figure A9 should be removed or have better explanatory text. Does the graphic mean that all constituencies get to vote on whether the ISP constituency does well at participation and representation? If it does, we ask how would they know. What metrics could a well-meaning member of the registrar constituency – not participating in ISP activities – use to make a judgment on this? Unless there is some way to ensure that the survey results didn't skew the figures with answers that have no possible relevance, this figure should be removed entirely.

In Figure 21 the numbers do not add up to 100 per cent, yet one of the legends suggests that what is being graphed is percentage. We recommend removing this graph from the final report.

We find Figure 11 to be confusing because it does not show the impact of having trade associations participate in Constituency membership. Over time, trade associations have been an important part of the ISP constituency's work. Yet Figure 11 measures trade associations of many members in the same way as an individual ISP. This is a poor way to reflect the global distribution of Constituency membership. In the case of Latin America and North America, in particular, the numbers are low for ISPs because trade associations are represented as a single participant. Figure 11 should be corrected to account for membership by trade associations in the ISP constituency.

Section 2.25 and Figure 11 also fail to reflect that the ISP constituency is the only organization to have organized a global meeting for ISPs. In fact, we are aware of no other constituency that has self-organized a meeting for its participants on a global basis.

Figure A14 is based on a misunderstanding and should be removed from the document. The ISPCP mailing list is primarily an announcement, voting and approval list. The ISP constituency does not draft its responses on public mailing lists. Instead, for critical issues an editor/drafting team is established by the ISPCP executive. This drafting team is responsible for building initial responses to important policy work facing the gNSO. When the drafting team posts a new draft for comment by the constituency, editorial changes are redirected to the editors – not to the general mailing list. As a result, Figure A14 underreports the number of messages by an order of magnitude each quarter and seriously underestimates the number of people contributing to the public policy discussion within the ISP community. It is also important to note that the ISPCP Secretariat routinely posts items to the mailing list on behalf of individuals in participant organizations.

In addition we need to make the point that the ISPCP is *not* the only Constituency that doesn't open internal members' discussions to public viewing until an initial direction has been determined by the membership.

Unfortunately, it is a sad comment that the information on publicly accessible mailing lists are often abused and misinterpreted by third parties, who utilize the exchange of comments to fuel arguments that suit their own agenda's in a way that's far from constructive or helpful in moving things forward. Therefore, judging a Constituency's level of activity through observation of publicly available sights is a totally meaningless metric.

In Figure A22 there is a suggestion that "statements containing data on the degree of participation" should be a metric for constituency statements on policy issues. This is an interesting suggestion and we hope that the LSE proposes it for consideration at an upcoming gNSO Council meeting. However, constituency statements have never required such a statement and the ISP community believes it is an inappropriate benchmark for analysis for current constituency operations. It should be removed from the final version of Figure A22.

Our constituency was not given the opportunity to view the entire evaluation, but we remain very concerned that the sections we have seen show a tendency to assume that all constituencies operate in the same fashion. This is simply wrong and the conclusions drawn from such an assumption will be wrong as well. In addition, some of the metrics chosen for comparison of the constituencies do not reflect the differences in the constituencies. Those places where graphics or supporting text rely on these metrics should be adjusted or, in cases where they cannot be adjusted, omitted entirely.

Thank you for the opportunity to comment on the extracts of your draft report. We look forward to the final draft and the opportunity to comment on the whole of your work.

On behalf of the ISPCP Constituency,

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Secretariat, ISPCP Constituency