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Office of the Ombudsman

Remarks at Marrakesh Public Forum

June 28, 2006

Check against delivery

Mr. Chairman, Vint Cerf, President Paul Twomey,  
members of the Board of Directors and Liaisons,  
esteemed members of the ICANN community, ICANN  
staff, ladies, and gentlemen, thank you for your warm  
welcome here this afternoon.

I have a number of issues which I would like to bring  
to your attention this afternoon. Bonjour, et merci  
beaucoup pour votre chaleureuse accueil.

First of all, I would like to provide you with a brief  
update on the activities of my Office by running  
through a small number of slides. These slides will  
represent the work conducted in the fiscal year from  
July 1, 2005 through to the end of May 2006.

The first slide shows the intakes over the fiscal year on a monthly basis.

This chart shows the same information graphically, which may make it a bit easier to discern. An average month would have around 50 intakes.

The next chart shows the distribution of intakes by country of origin. I have received contact from over 40 countries. The previously noted trend of high contact volume from English speaking, common law countries continues. I do hope that the ongoing work from our Regional Liaisons and continued Outreach activities from my Office will impact on the locations that initiate complaints.

This chart shows the types of issues that have been brought to my attention. “Ombuds” means that the issue dealt with an action, decision or inaction of the Board, staff, or supporting organization.

“Other” refers to the wide variety of things that are not within my jurisdiction such as registrar – registrant issues, or general criticism as opposed to fairness complaints.

This chart shows this information as a graphic.

The next two slides break down the manner in which complaints were closed. There are a disproportionate number of files closed with me simply declining jurisdiction, and these relate to intakes which only wished to inform me of criticism concerning ICANN.

These two slides show how files which were within my jurisdiction were closed. Again, my Office was the recipient of a number of intakes which related to an ICANN action, decision, or inaction, but which only raised criticism, and not issues of fairness. I am pleased that once these are removed from the equation that the single largest manner of closing complaints was to have resolved the issue. To me, this speaks of the ability and willingness of both the

community and the organization to constructively deal with disputes.

Finally, this shows the distribution of outreach activities for my Office during the fiscal year.

Mr. Chairman, I can also inform you that I was in travel status for 142 days in this past year.

As always, Mr. Chairman, I would like to spend a few minutes talking about something more than just statistics. Today, with your permission, I would like to talk to you about demonstrating value, and the approach that I have taken towards evaluating the Office of the Ombudsman to show that it is fulfilling its role as a vital part of the ICANN organization.

Obviously, numbers and statistics form a relevant and important part of evaluation process. But, it is also the notion that there is an underlying plan to measure and interpret effectiveness.

One of the first documents produced by my Office was a Results Based Management Accountability Framework. This was put out for community consultation, and can be found on the Ombudsman webpage. This document outlines the basics for a long term evaluation strategy.

Within four months of my appointment, I brought in an evaluator from the International Standards Organization to compare the establishment of my Office to ISO standard 10002 “Guidelines for Handling Complaints in Organizations”. The evaluator found that the Office was in compliance with the intent and requirements of these standards.

The Results Based Management Accountability Framework requires me to continually monitor trend analysis in complaint intakes; media tracking; and alternative methods of service delivery. This on-going evaluation is communicated in my Annual Report.

The next evaluation step will be conducted in the upcoming months. There are a very few seminal documents in the literature which deal with standards concerning, or the establishment of an Ombudsman's Office. Documents from the American Bar Association, the United States Ombudsman Association, and in related journals provide some context for evaluation in the field. An outside expert has been contracted, and will fact check and verify that my Office is not only in compliance with these standards, but will, I hope, show this Office to be, as I have often said it is, a centre of excellence.

The next step will be a formative evaluation in fiscal year 2008-2009. The goal of this evaluation will be to look at wide range of indicators to ensure that the development of the Office is consistent with the Bylaws, standards in the field, and that there are sufficient financial, human, and physical resources to

meet not only the mandate, but also the demands for service.

The summative evaluation will take place in fiscal year 2010-2011, and will not only mirror many of the tangible indicators from the formative evaluation, but will also examine impacts and attitudes concerning the Office.

Mr. Chairman, as you will recall from recent conversations, finding something to compare my Office's work and mandate to is complex and difficult. This is a rare entity in the realm of alternative dispute resolution. I can think of no other agency that does online Ombudsmanship, for an international organization, with multicultural and multi-lingual approaches to disputes, and without layers of bureaucracy.

The closest comparison I can think of is the United Nations staff Ombudsman, and I thought it might be



enlightening for the community to spend a minute or two on this slide, just to give some idea of the efficiency of the ICANN program.

As you can see I operate as a sole practitioner, while the UN Ombudsman has a total staff complement of seven people.

In 19 months, I have handled over 1900 intakes. In her first report to the General Assembly, the UN Ombudsman reports that in a 34 month period her Office dealt with almost 1400 matters.

I cannot predict if the number of intakes for my Office will continue to show the same results year after year. As I have previously mentioned, there have been a large number of general ICANN comment or criticism issues raised with me over the past year where I have declined jurisdiction. However, I cannot also predict if my Office will be targeted by such campaigns again, should the community see fit to raise issues in that manner, and whether or not this volume could be

even higher. I do underline that each correspondent to my Office does receive an individual reply, even if I do decline jurisdiction.

Taking all that into account, while leaving aside these declined files, and using some simple statistical formula, on a per capita basis, the UN Ombudsman's Office deals with 69 files per member of the Office on an annualized basis, where I dealt with 378.

The UN Ombudsman serves a community of 29,000 staff, while my Office is open to virtually every domain holder or online user across the globe.

Mr. Chairman, in closing I would like to thank both you and the Board for the opportunity to have met with you during your recent planning retreat. This is the first time we have met on an Ombudsman – Board basis, and I think our discussions were positive and fair.

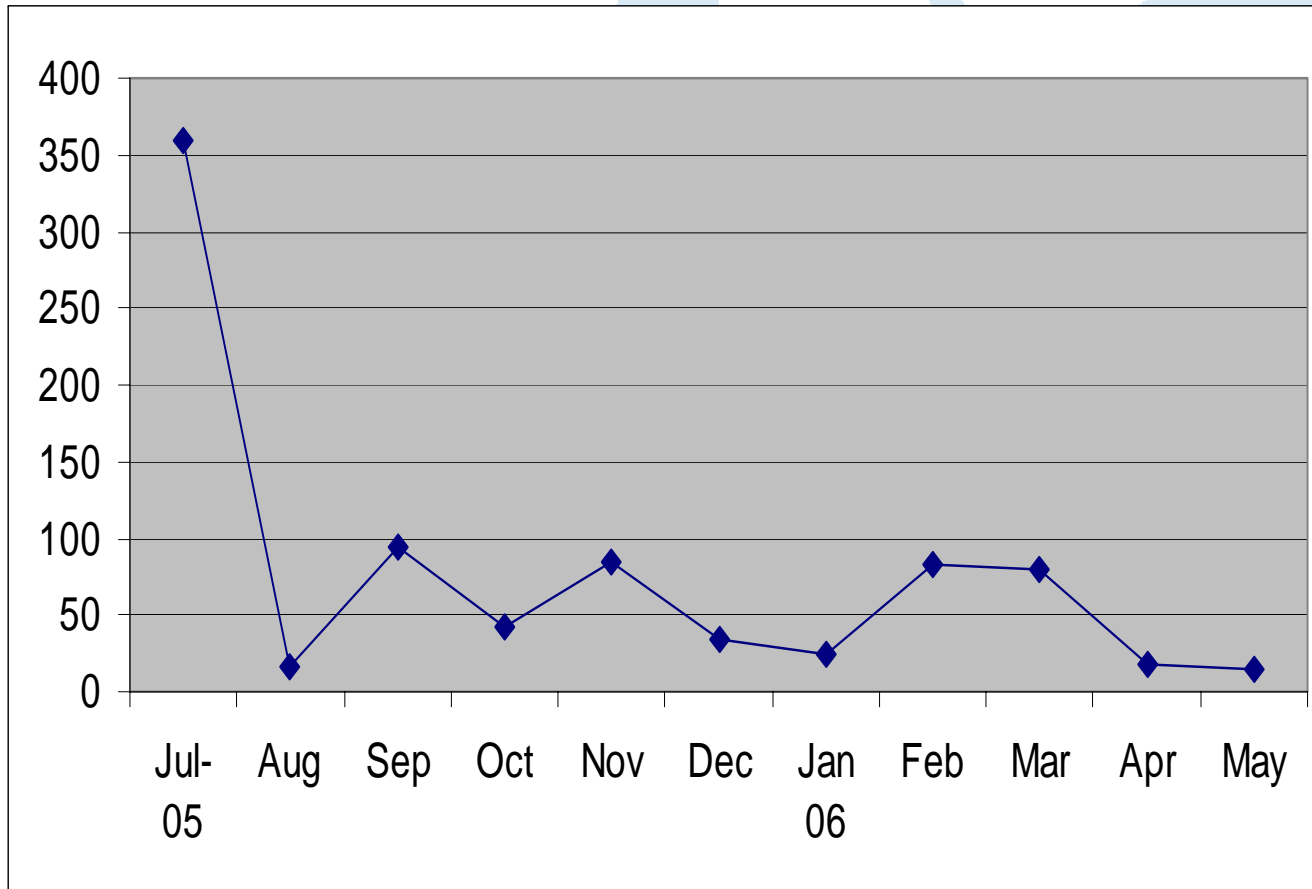
That concludes my report. Thank you for the opportunity to address the Public Forum this afternoon.

# Monthly Intakes

|               |            |
|---------------|------------|
| <b>Jul-05</b> | <b>360</b> |
| <b>Aug</b>    | <b>17</b>  |
| <b>Sep</b>    | <b>94</b>  |
| <b>Oct</b>    | <b>43</b>  |
| <b>Nov</b>    | <b>85</b>  |
| <b>Dec</b>    | <b>34</b>  |
| <b>Jan 06</b> | <b>24</b>  |
| <b>Feb</b>    | <b>83</b>  |
| <b>Mar</b>    | <b>79</b>  |
| <b>Apr</b>    | <b>18</b>  |
| <b>May</b>    | <b>15</b>  |
|               | <b>852</b> |



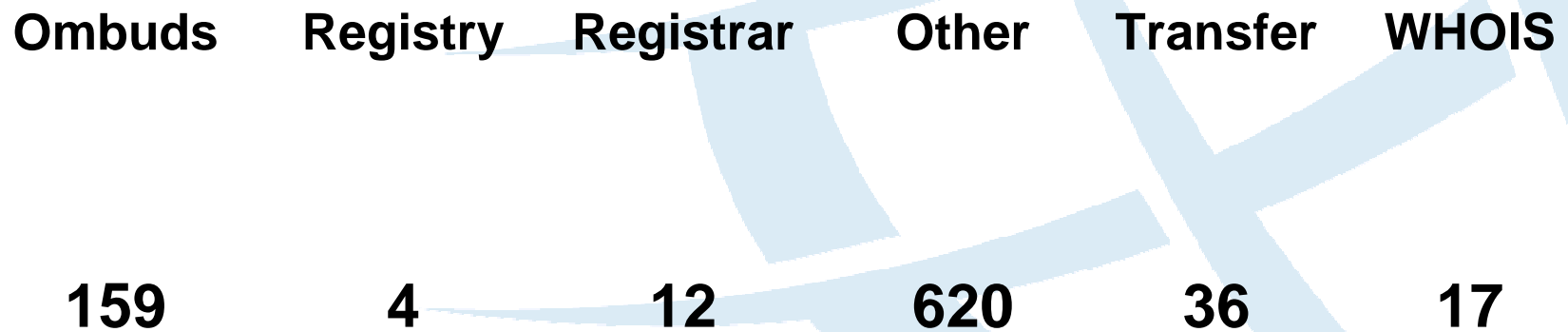
# Contacts by Month



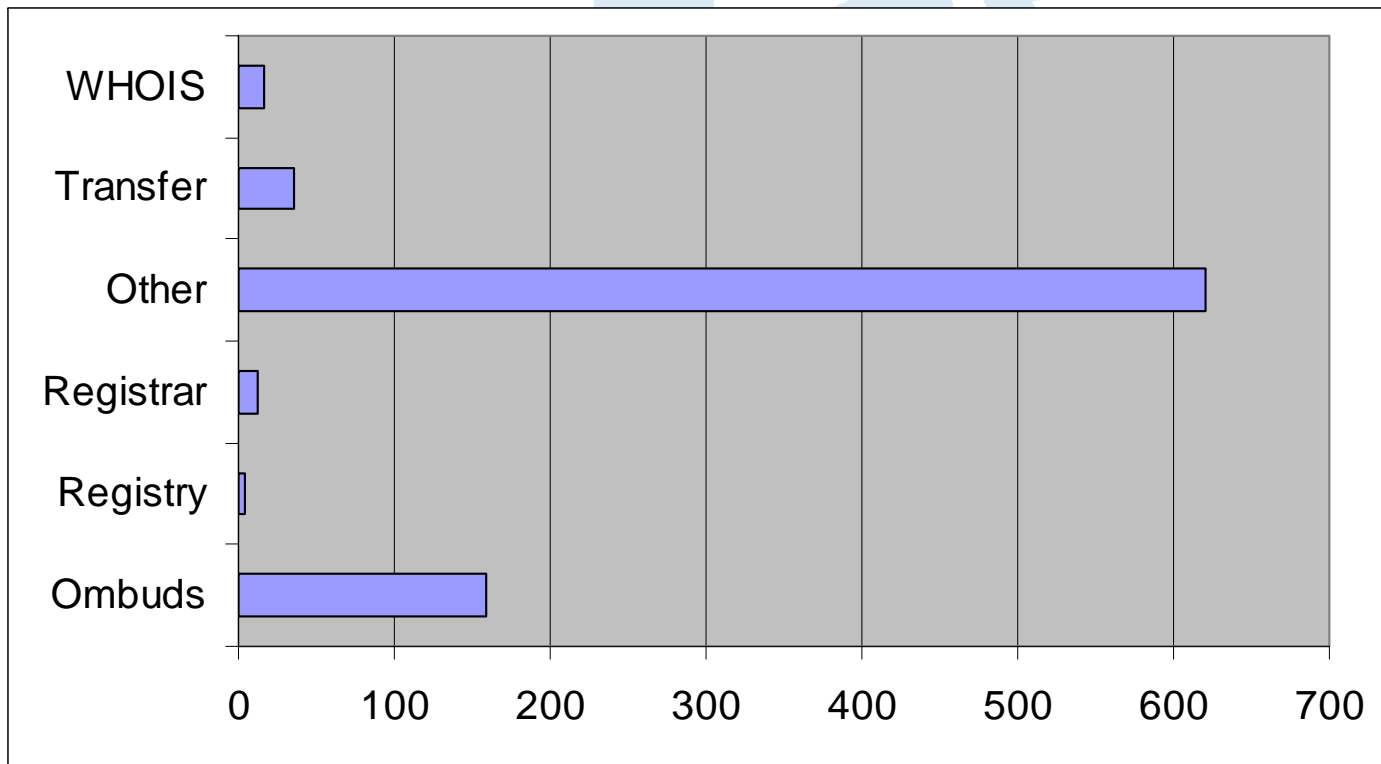
|                    |            |                    |          |                     |          |                     |          |
|--------------------|------------|--------------------|----------|---------------------|----------|---------------------|----------|
| <b>USA</b>         | <b>791</b> | <b>Austria</b>     | <b>2</b> | <b>Bolivia</b>      | <b>1</b> | <b>South Africa</b> | <b>1</b> |
| <b>Canada</b>      | <b>28</b>  | <b>Ireland</b>     | <b>2</b> | <b>Ecuador</b>      | <b>1</b> | <b>Sri Lanka</b>    | <b>1</b> |
| <b>UK</b>          | <b>26</b>  | <b>Israel</b>      | <b>2</b> | <b>Gibraltar</b>    | <b>1</b> | <b>Taiwan</b>       | <b>1</b> |
| <b>Unknown</b>     | <b>18</b>  | <b>Japan</b>       | <b>2</b> | <b>Hong Kong</b>    | <b>1</b> | <b>Turkey</b>       | <b>1</b> |
| <b>Australia</b>   | <b>16</b>  | <b>Namibia</b>     | <b>2</b> | <b>Hungary</b>      | <b>1</b> | <b>Ukraine</b>      | <b>1</b> |
| <b>Germany</b>     | <b>10</b>  | <b>Norway</b>      | <b>2</b> | <b>India</b>        | <b>1</b> | <b>Uruguay</b>      | <b>1</b> |
| <b>Brazil</b>      | <b>6</b>   | <b>Spain</b>       | <b>2</b> | <b>India</b>        | <b>1</b> |                     |          |
| <b>Netherlands</b> | <b>5</b>   | <b>Sweden</b>      | <b>2</b> | <b>Italy</b>        | <b>1</b> |                     |          |
| <b>France</b>      | <b>4</b>   | <b>Switzerland</b> | <b>2</b> | <b>Malta</b>        | <b>1</b> |                     |          |
| <b>Thailand</b>    | <b>4</b>   | <b>Argentina</b>   | <b>1</b> | <b>Pakistan</b>     | <b>1</b> |                     |          |
| <b>Belgium</b>     | <b>3</b>   | <b>Barbados</b>    | <b>1</b> | <b>Panama</b>       | <b>1</b> |                     |          |
| <b>New Zealand</b> | <b>3</b>   | <b>Belize</b>      | <b>1</b> | <b>Saudi Arabia</b> | <b>1</b> |                     |          |



# Contact and Complaint Issue types

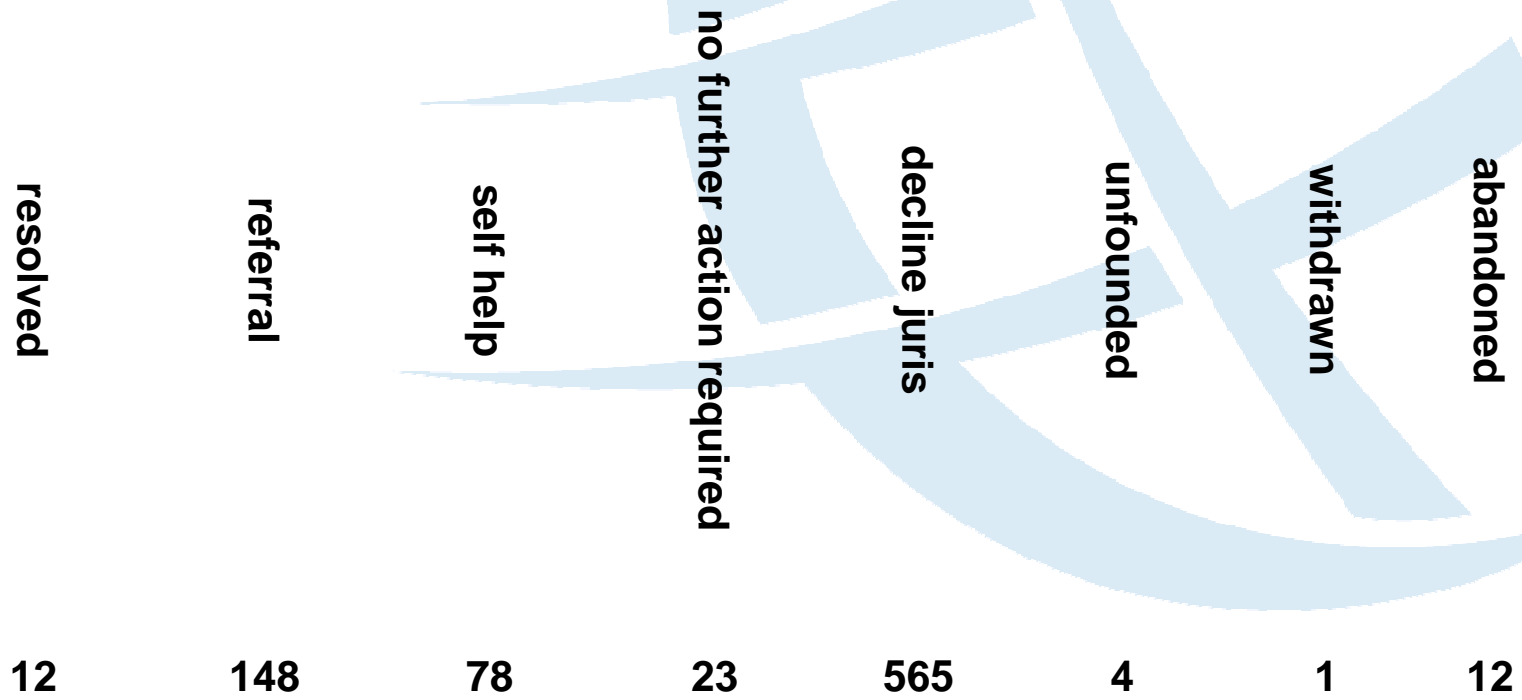


# Type of Complaint

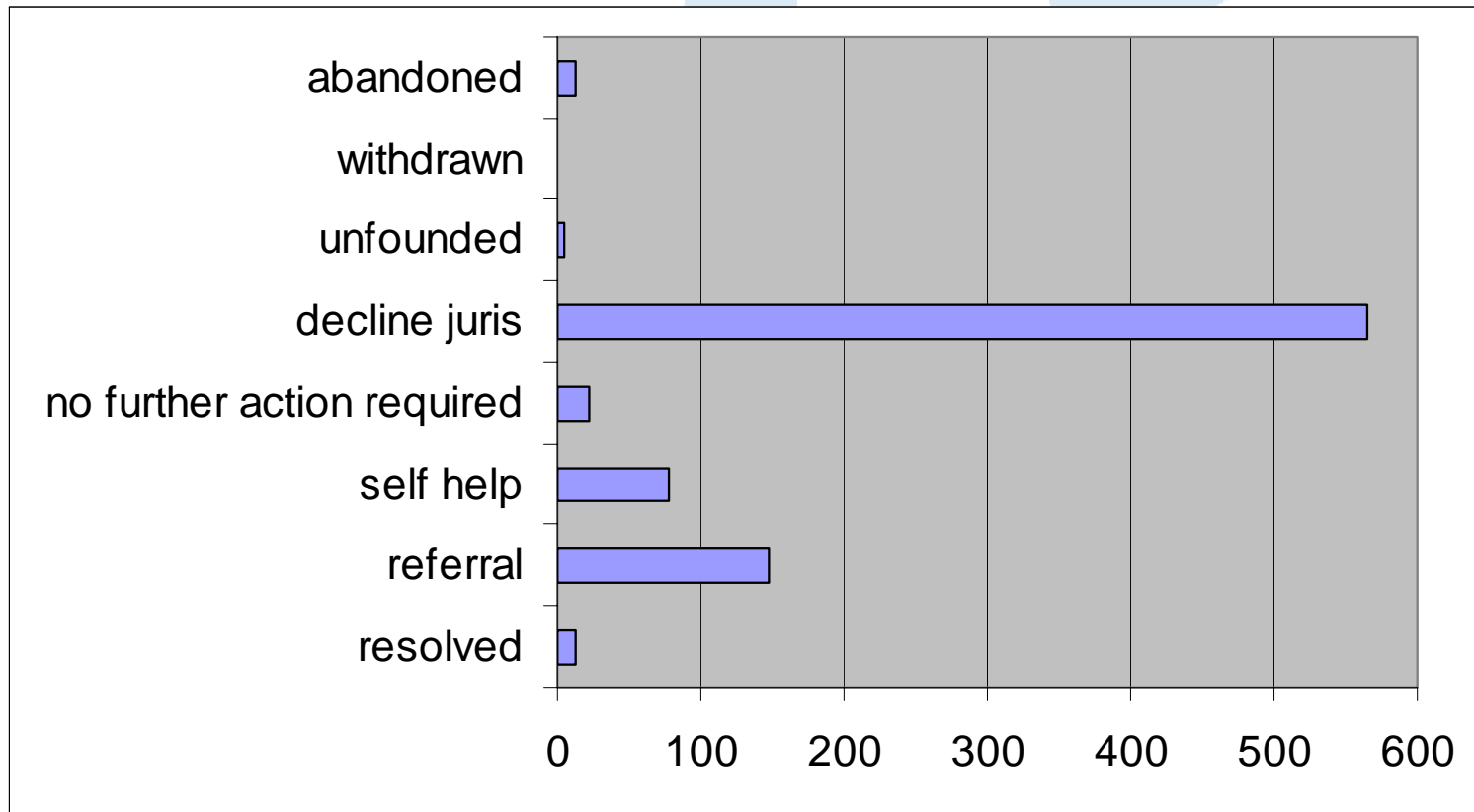




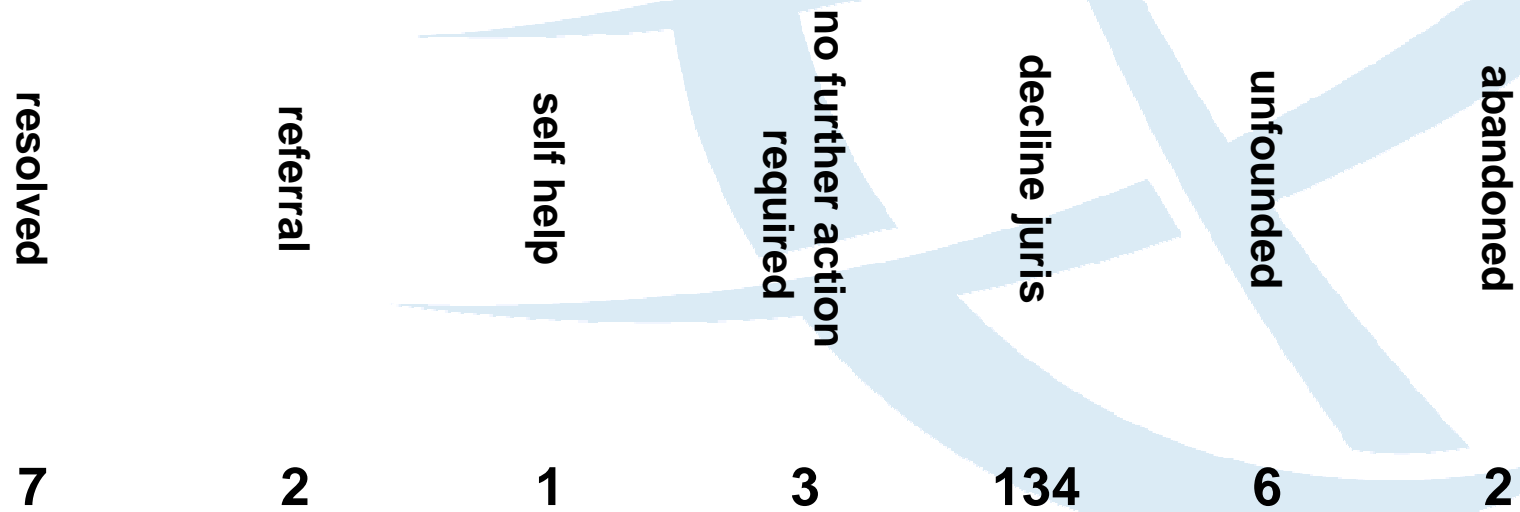
# Resolution Types



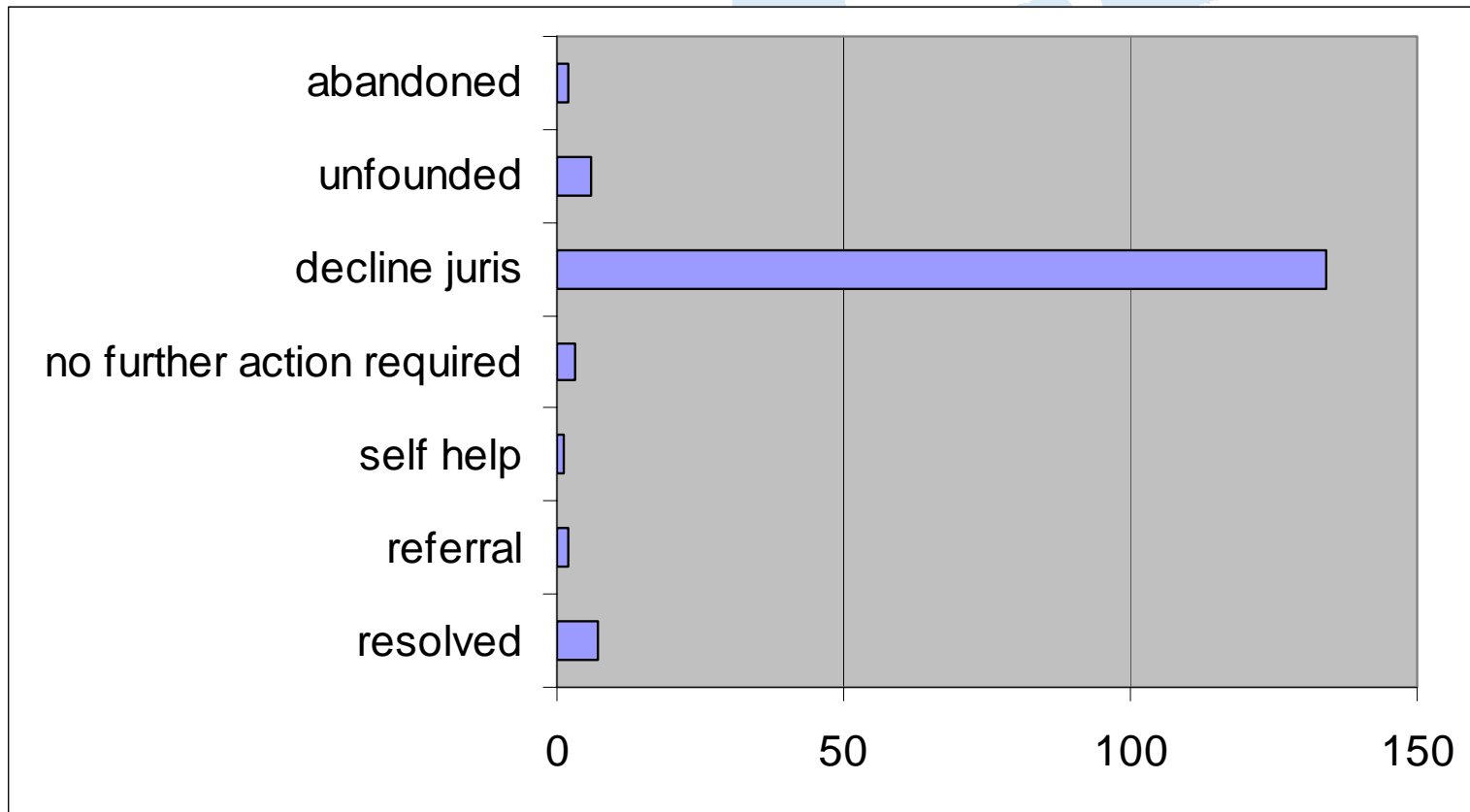
# Resolution Types



# Closing types for Ombuds



# Ombuds Closings



# Outreach Activities by Month

|        |    |
|--------|----|
| Jul-05 | 7  |
| Aug-05 | 1  |
| Sep-05 | 2  |
| Oct-05 | 3  |
| Nov-05 | 6  |
| Dec-05 | 4  |
| Jan-06 | 1  |
| Feb    |    |
| Mar    | 5  |
| Apr    | 2  |
| May    | 2  |
| Jun    | 2  |
|        | 35 |

# Demonstrating Value Ombuds Evaluation

- Results Based Management Accountability Framework (RMAF)
- International Standards Organization (ISO)
- Ongoing evaluation questions
- Comparative Analysis to standards in the literature (FY 06-07)
- Formative Evaluation (FY 08-09)
- Summative Evaluation (FY 10-11)



# ICANN / UN Ombuds comparison

- Sole Practitioner – relief/Adjunct Ombuds
- 19 month reporting period
- 1903 intakes
  - Approx 600 files
- Serves the ICANN community
- Ombudsman and six staff
- 34 month reporting period
- 1386 files
- Serves 29,000 UN employees

- Thank you, Merci Beaucoup
- [www.icannombudsman.org](http://www.icannombudsman.org)

