WS2 Drafting Team "Ombudsman"

Active Participants

1. Sébastien **B**achollet - Rapporteur
2. Adebunmi Akinbo
3. Alberto Soto
4. Avri Doria
5. Carlos Vera Quintana
6. Cheryl **L**angdon-Orr
7. Chris LaHatte (previous Ombudsman)
8. Edward Morris
9. Farzaneh Badii
10. Herb Waye
11. José Francisco Arce
12. Jimson Olufuye
13. Herb Waye (acting Ombudsman)
14. Karel Douglas
15. Klaus Stoll
16. Michael Karanicolas
17. Raoul Plommer
18. Robin **G**ross
19. Sivasubramanian Muthusamy
20. Susan Payne

Observers

1. Aarti Bhavana
2. Alan **G**reenberg
3. Akinremi Peter Taiwo
4. Amrita Choudhury
5. Angie Graves
6. David Maher
7. Elizabeth Bacon
8. Gangesh Varma
9. Iftikhar Shah
10. Johan Helsingius
11. Jon Nevett
12. Mike Rodenbaugh
13. Pam Little
14. Pablo Andrés Mazurier
15. Philip Corwin
16. Renu Sirothiya
17. Rinalia Abdul Rahim
18. Vidushi Marda
19. Vinay Kesari

Board Liaisons · Asha Hemrajani · Mike Silber (backup)

Subgroup Time Slots

Day			WS2-Ombudsman	
Monday	August 8, 2016	#01	Omb-WS2 05:00 UTC	**12 participants + Staff**
Tuesday	August 16, 2016	#02	Omb-WS2 13:00 UTC	**13 participants + Staff**
Monday	August 22, 2016	#03	Omb-WS2 19:00 UTC	**15 participants + Staff**
Monday	August 29, 2016	#04	Omb-WS2 05:00 UTC	**05 participants + Staff**
Tuesday	September 6, 2016	#05	Omb-WS2 13:00 UTC	**13 participants + Staff**
Monday	September 12, 2016	#06	Omb-WS2 19:00 UTC	
Monday	September 19, 2016	#07	Omb-WS2 05:00 UTC	
Monday	September 26, 2016	#08	Omb-WS2 13:00 UTC	
Monday	October 3, 2016	#09	Omb-WS2 19:00 UTC	
Monday	October 10, 2016	#10	Omb-WS2 05:00 UTC	
Monday	October 17, 2016	#11	Omb-WS2 13:00 UTC	
Monday	October 24, 2016	#12	Omb-WS2 19:00 UTC	
Wednesday	November 2, 2016		CCWG	
Thursday	November 3, 2016			
Friday	November 4, 2016			
Saturday	November 5, 2016		ICANN 57	
Sunday	November 6, 2016		03-09 November 2016	
Monday	November 7, 2016		Hyderabad	
Tuesday	November 8, 2016			
Wednesday	November 9, 2016			

CCWG-Accountability

Work Stream 2

Ombuds
ICANN

Agenda Meeting #6 Ombuds

- Roll Call / Apologies – Welcome – Opening Remarks
- Action Items from our last call #5
- Discuss the following chapters of the document https://docs.google.com/document/d/192SDRXsnr5ujf1iVj4hj_WMf3fMmYiEhY1ur8E_T73g/edit?usp=sharing
  - 2. Dependencies between the sub-groups
  - 3. ATRT2
  - 4. Stress Tests
  - 5. Current role of the ICANN Ombuds Office
- Next Meeting
- AOB

Draft Doc Ombuds-WS2 chapters

1. Background for Ombuds Office in Work Stream 2
2. Dependencies between the sub-groups
3. ATRT2
4. Stress Tests
5. Current role of the ICANN Ombuds Office
6. Evaluation
7. Various types of Ombudsman roles
8. Challenges
9. Recommendation
10. Additional role for the Ombuds Office?
11. Interaction
12. Communication & Relationship
13. Trust
14. Advice
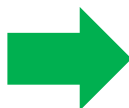15. Conclusion

ICANN Ombuds

1. **Diversity** (Sébastien Bachollet)
2. **Human Rights** (Raoul Plommer)
3. **Jurisdiction** (Farzaneh Badii)
4. **SO/AC Accountability** (Cheryl Langdon-Orr)
5. **Staff Accountability** (Avri Doria)
6. **Transparency** (Michael Karanicolas)
7. **Reviewing CEP** (Edward Morris)
8. **Guidelines stand. conduct** (Karel Douglas)
9. **IRP "Phase 2"** (Robin Gross)
10. **ATRT2** (Avri Doria)

3. Overlap ATRT2 / CCWG-Accountability

Recommendation

Status

9.3

Review of the Office of the Ombudsman, the role within ICANN, and whether the duties/scope of the Ombudsman should be expanded or changed in line with suggestions from the ATRT2.

Removed from workplan to avoid duplication with the CCWG-Accountability's Work Stream 2 effort on the Ombudsman.

An expert was expected to be retained and to perform a review of the Office of the Ombudsman by June 2015, with work expected to be completed by October 2015. Because of the unique nature of the Ombudsman role within ICANN, there were challenges in identifying a proper independent expert to undertake this review.

As ICANN was conducting a search for this review, work continued in the Cross Community Working Group on Enhancing ICANN Accountability on modifying the role of the Ombudsman. In addition to the changes to the Ombudsman role that are already reflected in the new ICANN Bylaws (particularly within the Reconsideration Process, where the Ombudsman has a new role), the CCWG-Accountability also noted that it will do a broader review of the Ombudsman role in its Work Stream 2 efforts that are under development now and anticipated to conclude mid-year in 2017. The CCWG-Accountability's Work Stream 2 efforts on the Ombudsman can be followed at https://community.icann.org/display/WEIA/Ombudsman. ICANN committed to this work in the Bylaws as approved by the Board on 27 May 2016 (https://www.icann.org/en/system/files/files/adopted-bylaws-27may16-en.pdf).

4. Stress Tests vs Ombuds

- **Stress Test #13**: One or several stakeholders excessively rely on accountability mechanism to "paralyze" ICANN.
  - EXISTING ACCOUNTABILITY MEASURES
    - Current redress mechanisms might enable one stakeholder to block implementation of policies. But these mechanisms (IRP, Reconsideration, Ombudsman) are expensive and limited in scope of what can be reviewed.

- **Stress Test #34**: (NTIA-3) Stakeholders who attempt to join an ICANN AC/SO encounter barriers that discourage them from participating.
  - EXISTING ACCOUNTABILITY MEASURES
    - ICANN's Ombudsman might help new entrants to join ACs/SOs.
  - PROPOSED ACCOUNTABILITY MEASURES
    - ICANN's Ombudsman might help new entrants to join ACs/Sos.

- We will review the ST with Steve DelBianco & Cheryl Langdon-Orr during our call #8 Monday September 26, 2016

5. Current role of the ICANN Ombuds Office

- The Ombudsman Role has been expanded through WS1, to include a responsibility to perform a first substantive review over Reconsideration Requests.

- In addition, the CWG-Stewardship identified a new role for the Ombudsman, as a place of escalation for complaints about (Public Technical Identifiers) PTI's naming function service delivery.

  - ICG final proposal p.111 https://www.icann.org/en/system/files/files/iana-stewardship-transition-proposal-10mar16-en.pdf
    The ombudsman gets involved at phase two

  - [*Do we need to propose Bylaws (ICANN and/or PTI)?*]

- This expansion is in addition to the Ombudsman's existing role (as set forth in the ICANN Bylaws) and further described in the Ombudsman Framework.

- The Ombuds office is a mediator and not a decision maker.
  The Ombuds office can only suggest it can never tell anyone to do anything - which is why informality is so important.

Next Meeting #7 Ombuds-WS2

- Monday September 19, 2016 05:00 UTC
- Follow-up on the discussion of the document
  - Background for Ombuds Office in Work Stream 2
  - Dependencies between the sub-groups
  - ATRT2
  - Stress Tests
  - Current role of the ICANN Ombuds Office
  - Evaluation
  - Various types of Ombudsman roles
  - Challenges
  - Recommendation
  - Additional role for the Ombuds Office?
  - Interaction
  - Communication & Relationship
  - Trust
  - Advice
  - Conclusion

AOB