

At-Large Workspace: Recommendations to Improve ICANN's Office of Ombudsman (IOO)

Public Comment Close	Statement Name	Status	Assignee (s)	Call for Comments Open	Call for Comments Close	Vote Open	Vote Close	Date of Submission	Staff Contact and Email	Statement Number
14 January 2018	Recommendations to Improve ICANN's Office of Ombudsman (IOO)	<div>ADOPTED</div> <p>13Y, 0N, 1A</p> <p>Sebastien Bachollet, ALAC Member of EURALO, abstained:</p> <p>"I abstain as I am the rapporteur of the CCWG ICANN Accountability S2 ICANN Ombuds Office Subgroup. Not because of disagreement."</p>	Alan Greenberg Seun Ojedeji Bastiaan Goslings	11 January 2018	12 January 2018	15 January 2018	19 January 2018	14 January 2018	Patrick Dodson patrick.dodson@icann.org	AL-ALAC-ST-0118-03-01-EN

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Brief Overview

Purpose: This Public Comment seeks community input on the CCWG-Accountability Work Stream 2 (WS2) draft recommendations on the ICANN Ombuds Office (IOO). These draft recommendations were developed by the CCWG-Accountability as required by Annex 12 of the final report of the Cross Community Working Group on Enhancing ICANN Accountability, Work Stream 1 (CCWG-Accountability, WS1).

Current Status: The CCWG-Accountability reviewed these draft recommendations at its 11 and 18 October 2017 plenary meetings and approved their publication to gather public comments.

Next Steps: Following the public comment period the inputs will be analyzed by the CCWG-Accountability WS2 who will consider amending the recommendations in light of the comments received and will publish a report on the results of the public consultation. If significant changes are required as a result of the public consultation the CCWG-Accountability WS2 may decide to not include these recommendations in its final report given it must complete its work by June 2018. If there are no significant changes required, the CCWG-Accountability WS2 will include these in its final report and forward it to its Chartering Organizations for approval and then to the ICANN Board for consideration and adoption.

Section I: Description and Explanation

The Cross Community Working Group on Enhancing ICANN Accountability Work Stream 2 (CCWG-Accountability-WS2) on the ICANN Ombuds Office (IOO) project obtains its mandate and scope from ICANN bylaws and the CCWG-Accountability, WS1 Final report which included Recommendation 12 the following:

As part of Work Stream 2, the CCWG-Accountability proposes that further enhancements be made to a number of designated mechanisms:

- Considering enhancements to the Ombudsman's role and function.

Annex 12, which details Recommendation 12, also included the following recommendations with regards to the IOO:

Considering Enhancements to the Ombudsman's Role and Function

Through the enhanced Request for Reconsideration process (see Recommendation #8: Improving ICANN's Request for Reconsideration Process), the CCWG-Accountability has given increased responsibility to the Ombudsman.

The Ombudsman can perform a critical role in ensuring that ICANN is transparent and accountable, preventing and resolving disputes, supporting consensus-development, and protecting bottom-up, multistakeholder decision-making at ICANN. ICANN's Office of Ombudsman must have a clear charter that reflects, supports, and respects ICANN's Mission, Commitments and Core Values, and must have sufficient authority and independence to ensure that it can perform these important roles effectively. As part of Work Stream 2, the CCWG-Accountability will evaluate the current Ombudsman charter and operations against industry best practices and recommend any changes necessary to ensure that the ICANN Ombudsman has the tools, independence, and authority needed to be an effective voice for ICANN stakeholders.

In addition to the requirements found in Annex 12 the ATRT2 recommendation for the evaluation of the ICANN Office of the Ombuds (IOO) was transferred to the CCWG-Accountability-WS2 to avoid overlap or duplication of work.

Section II: Background

To undertake this work the CCWG-Accountability-WS2 created an IOO sub-group which was charged with presenting a report to the CCWG-Accountability-WS2 Plenary for consideration.

After some initial discussions, the IOO sub-group decided to focus its work on the external review of the IOO.

The final report of the external evaluator identified 5 areas for improvement:

1. Clarify role and processes – manage expectations
2. Standing and authority
3. Strengthen independence
4. Strengthen transparency
5. Policy for non-dispute roles

To address the need for improvements the report made 11 recommendations.

The IOO sub-group approved the objectives of all the recommendations made by the external evaluator but did modify some of the implementation requirements to allow for more flexibility and speed in implementation, especially when considering Bylaws changes. It is also important to note that these do not modify the Charter of the Office of the Ombudsman (section 5.2 of the ICANN Bylaws) or the Jurisdiction of the Office of the Ombudsman as documented in the ICANN Ombudsman Framework.

Section III: Relevant Resources

- [CCWG-Accountability Work Stream 2 - Draft Recommendations on the ICANN Ombuds Office](#) [PDF, 1.11 MB]

Section IV: Additional Information

Supporting Documents

- [Annex B - Final Report of the external Evaluation of the IOO](#) [PDF, 1.63 MB]
- CCWG-Accountability Work Stream 2 – SO/AC Accountability Subgroup wiki – <https://community.icann.org/x/IBWOAw>
- CCWG-Accountability Charter - <https://community.icann.org/display/acctcrosscomm/Charter>
- CCWG-Accountability Work Stream 1 – Final recommendations Annex 12 - <https://community.icann.org/pages/viewpage.action?pageId=58723827>

Section V: Reports

Staff Contact

Patrick Dodson
patrick.dodson@icann.org

FINAL VERSION TO BE SUBMITTED IF RATIFIED

The final version to be submitted, if the draft is ratified, will be placed here by upon completion of the vote.



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FINAL DRAFT VERSION TO BE VOTED UPON BY THE ALAC

The final draft version to be voted upon by the ALAC will be placed here before the vote is to begin.

The ALAC commends the subgroup and entire CCWG on ICANN Accountability for their work in producing this draft. The ALAC supports the draft as currently presented. Nevertheless, we would like to make a few comments for CCWG's consideration.

Recommendation 7: While we acknowledge and support gender diversity, we also suggest that language diversity be considered in Staff resource configuration, to the extent practical.

Recommendation 11: We recognize that the items proposed will address important, high-level policies expected to be observed by the Office of the Ombudsman; therefore, we do not believe restricting the Ombudsman from certain activities (i.e. like socializing) as suggested by certain members of the Community^[1] is a necessary detail to codify in such policy. We expect the Ombudsman would understand their role, hence would observe his/her duties accordingly; Community policing of the Ombudsman should not be a solution to fix a performance issue.

Once again, we would like to thank the CCWG for their work and the opportunity to contribute to this process, and we look forward to continuing our engagement in the process.

[1] <http://mm.icann.org/pipermail/accountability-cross-community/2017-September/014166.html>

FIRST DRAFT SUBMITTED

The first draft submitted will be placed here before the call for comments begins.

The ALAC commends the Sub-group and the entire CCWG on ICANN accountability for her work in producing this draft. ALAC supports the draft as currently presented. Nevertheless we will also like to make a few suggestions and comments for CCWG's consideration.

1. Recommendation 5: We appreciate the effort to ensure more information/data is provided by the Ombuds office in form of a report. However we also suggest that such KPI report should include how ombuds office has ensured to treat and resolve issues/complaints on a first come first served basis
2. Recommendation 7: While we acknowledge and support gender diversity, we also suggest that language diversity be considered in staff resource configuration to the extent practicable.
3. Recommendation 8: We recognize that creating such panel implies yet another review burden in addition to all other periodic reviews and this always creates a concern of community fatigue. It is not clear where the panel referred will be sourced. However, on the assumption that the members will be sourced from the community we think it may be difficult to achieve the required community balance. In-view of this, it may be prudent and appropriate that such panel becomes a Board committee as it is expected that the Board represent the most independent part of the community.
4. Recommendation 11: We recognize that the items proposed will address important high-level policies expected to be observed by the ombuds office, therefore we do not believe that restricting the ombudsman from certain activities like socializing as was suggested by certain members of the community^[1] is a necessary detail to hard-code in such policy. We expect that the ombudsman would understand her role hence will observe his/her duties accordingly; Community policing of ombudsman should not be a solution to fix a performance issue.

Once again we like to thank the CCWG for their work and for the opportunity to contribute to the process while we look forward to continue our engagement in the process.

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