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Office of the Ombudsman

Remarks at Cartagena Public Forum

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Mr. Chairman, Peter Dengate-Thrush, President Rod Beckstrom, 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 today.

Mr. Chairman, this will be my last report as ICANN's Inaugural Ombudsman. A world wide search is presently underway to find a successor for this Office. Apart from my usual update, I would like to take some time to reflect on the experiences of the past six years as the Ombudsman.

Since we last met in Brussels, the work of the Office of the Ombudsman has basically followed three tracks: first, working with the organization to create

the opportunity for the handover of the role of Ombudsman; second, conducting normal case handling and outreach; third, working with partners to co-ordinate a global conference on the use of online dispute resolution technology to deal with consumer protection issues.

Mr. Chairman, there will be a handover to a new Ombudsman sometime early in 2010. I believe that it is imperative that there be an efficient hand over by ensuring that there is an orientation, and mentoring process between the outgoing Ombudsman and the incoming one. This is a single practitioner office, in what is likely the most unusual Ombudsman's office, anywhere. In order to set up the incoming Ombudsman for the greatest amount of success in

their new role, I suggest that the board seriously consider a three month mentoring period.

With regards to the second issue, the Office has continued to accept and deal with complaints. In the last six months a small trend wave has developed with persons contacting the Office of the Ombudsman alleging service barriers based on self described disabilities.

The Office of the Ombudsman has provided a briefing to the Accountability and Transparency Review Team, concerning a draft recommendation made by the ATRT.

Finally, as Ombudsman I chaired a conference in Vancouver on ODR and Consumers Issues.

([www.odrandconsumers2010.org](http://www.odrandconsumers2010.org)) The forum was attended by members of civil society from as far west as Tokyo, as far east as Cairo, as far north as Copenhagen, and as far south as Buenos Aires.

Many states, languages, cultures, and legal frameworks were represented at the meeting. In my view, as chairman, it was a great success. We had two days of fast paced, interesting, and progressive discussions. In time, these deliberations will be raised with the United Nations Commission on International Trade Law as it considers moving forward on issues discussed at the conference.

I want to express my thanks to the members of the organizing committee, Dave Bilinsky of the Law Society of British Columbia, Vikki Rogers of Pace University, Colin Rule of PayPal, and Zbynek Loebl of ADR.EU for their dedicated efforts in putting together an excellent event. Thank you to our sponsors at Adobe Canada; ADR.EU; The Public Law Research Center, Faculty of Law, University of Montreal; and ICANN. Thank you to our volunteers: Doug Leigh who will be crafting the closing communique; Wayne Plimmer and Heather Purves who ran our registration desk; and Patricia Mulhern who acted as a local host to our out of town visitors. Thank you to our conference partner – Right to Play, and finally a special thanks to the wonderful young stars from the

School of Music Opera ensemble at University of British Columbia who entertained us.

Mr. Chairman, the tables included below describe the activities undertaken by the Office of the Ombudsman during 2009-2010. The Office received 64 complaints, and participated in 33 outreach activities.

<b>resolutions 09-10</b>	
<b>Description</b>	<b>#</b>
Unknown	1
Resolved	3
System Improvement - Recommendation	1
Referral	27
Self Help	15
No further action required	6
Decline Jurisdiction	6
Unfounded	3
Abandoned	2

<b>cases fyi 09-10</b>	
<b>Description</b>	<b>#</b>
Ombuds	22
Registry	1
Registrar	5
Other	30
Transfer	4
WHOIS	2

<b>outreach fy 09-10</b>	
<b>Description</b>	<b>#</b>
ICANN Meeting	3
Conference Attendee	2
Conference Speaker	5
Academic Lecture	1
Staff Orientation	11
Meeting / Presentation	4
Ombudsman courtesy Call	3
Brussels Office	1
Consultation	1
online moderator - Cyberweek	1
Pepperdine University Orientation	1

Mr. Chairman, as you know there is an active process ongoing to find a new Ombudsman for this organization. This will be the last opportunity I will have to address you as the Ombudsman. I think that it is worthwhile to reflect on some experiences since the Office was entrenched in the Bylaws in 2002.

First, ICANN is a much different organization now than it was when the idea of an Ombudsman was first developed. There has been about a 20 fold increase in staff in the organization. The staff members who have joined ICANN are professionals, and well suited for the particular functions that they fulfill in the agency.

This growth and professionalization of the staff compliment has created a change in the focus of the



disputes which come to the Office of the Ombudsman. While it may be that the Office was developed in order to conflicts between the community and staff, it has become the case that the staff are now very infrequently complained about. Each new staff member receives an orientation on ICANN's complaint handling systems. Staff have done an excellent job of identifying members of the community who do have conflicts, and of ensuring they are informed on how to reach the Ombudsman.

Further, it would be my observation the most tenacious disputes are no longer between the community members and staff, but rather between community stakeholders, and other community members. I cannot imagine that when the Office was

created in 2002 that this would have been a conflict scenario of prominence.

Finally, I would observe that Office of the Ombudsman has, since its inception, made great strides in developing itself as a Centre of Excellence in Ombudsmanship, Online Dispute Resolution, and Program Evaluation. The Office is well respected in its peer community, and the quality of the candidates who apply for the post of Ombudsman will be a testament to it being a Centre of Excellence.

It has been my great pleasure and honour to have served as the Inaugural Ombudsman, and wish my successor and the organization the best of luck in the future.

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