

Ombudsman Report For Prague

Introduction

When I was appointed to the role of the ombudsman, I expected that it would take some months to become familiar with the procedures and culture of ICANN. Of course this remains a continuous learning process, but after attending two meetings, at Senegal and Costa Rica, and having spent some time at Marina Del Rey, I feel that I am considerably more comfortable with my knowledge of the organisation.

The position when I started

One feature which was obvious when I was appointed, was that the use of the office of the ombudsman had slipped considerably and it became obvious to me that there needed to be a re-establishment of confidence in the office together with outreach to ensure that the ICANN community was aware of my appointment and my approach to handling of my position.

Changes-increase in use

If the number of complaints is a measure of increased awareness, I think the tables below will show that the community has begun to use my office to a far greater extent, especially compared with the same period last year. The increase is from 10 complaints for the same period in 2011, to 132 complaints for the same period in 2012. While of course a substantial proportion continue to be non-jurisdictional, in many cases I am able to direct the complainant to the appropriate place to solve the problem. The complainants are generally grateful for such help.

Types of complaints

The majority of complaints continue to be outside my jurisdiction, but I have had a number of complaints about various issues some of which are ongoing. For example, the decision to refund application fees has caused some anxiety and complaints, although this process is not yet completed. There have been some issues about governance which the board will be aware of. Those are ongoing, and under continuing investigation, with strong attempts to mediate the differences on my part. There have also been other complaints which while within jurisdiction, the complainants have not progressed. Where I have conducted an investigation and written a report, I have posted this on my blog and my website.

Outreach

In addition to the number of complaints increasing, I have also tried to raise my profile in a number of different ways. In particular I now have a Facebook page, I write regularly for the ombudsman blog on various topics, and I have published one paper on an ombudsman issue, and had another paper being peer-reviewed at present, for subsequent publication. I also have two other papers in preparation. As well as the ombudsman community, I have sought to be involved in the wider Internet community by joining the Internet Society, both the international and New Zealand bodies,

and contribute from time to time to various blogs. I have a major advantage this year, in that there are three significant conferences in New Zealand, but which are international in content. This will result in considerable savings on transport. As yet I am not sure of the schedule for 2013.

ICANN meetings

Attendance at ICANN meetings is one of the high points of my job. Dealing with people online is adequate, but it is difficult to form good working relationships sometimes without eyeballing your colleagues. For me the ICANN meetings are essential in selling the office of the ombudsman as a credible dispute resolution paradigm. There generally seems to be a need for the ombudsman to be present and I have undertaken substantial mediations at each meeting. In addition, as the community realise that I am available, I get more visitors to my office. This can be a slow process, but as my profile builds within the community, I would hope that I achieve a reputation of being approachable and useful.

Metrics

I have considered various methods of measuring the success of my office. I have tried using surveys for one particular aspect, being the ombudsman 101 training, although the number of return surveys was small. I am not sure how accurate this is, except that those participating in training regarded the training as useful, and agreed it increased their knowledge. I have been hesitant about using such a survey for complainants. Part of this is the confidentiality, but after discussing this with Herb Waye, I have developed a survey which I intend circulating to see if I can get any feedback.

I believe the principal metric to show the achievements is however the greatly increased use of my office. Part of my function can be seen to be a lightning rod for complaints, and there certainly are many of these out in the ICANN community. It is interesting that when I have on occasion challenged vocal critics, that none of them have actually followed up with a complaint to my office. This is nothing to be complacent about, because even after almost a year in office, there is probably still some trepidation about use of the ombudsman.

There are some measurements which I can use, such as speed of response. Virtually all complaints have a reply within 24 to 48 hours. Occasionally there is a delay, but seldom for more than a day or so, because I am travelling. By ensuring that I have wireless connections wherever I travel, I can keep in close touch with my complaint management system.

Training

I have a very strong commitment to ongoing training, as outlined in the report. In addition to the specific ombudsman training, I have also attended other relevant seminars and also participated recently in a trial project on resolving disputes online using Skype. There has been a fascinating exercise, and I took part in two trial mediations. The first, where I took a role play as a party, as a mediator from Kenya, and the other party from England. The second where I played the mediator role, had parties from Canada and England. I took part of course from New Zealand. These were

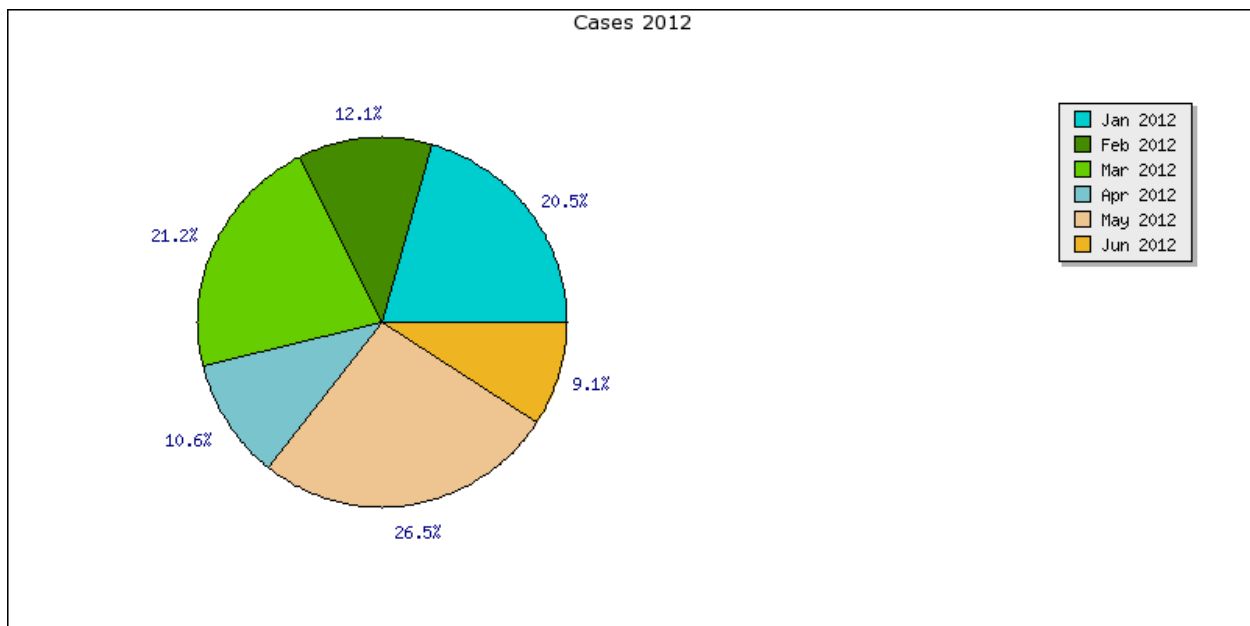
live role plays, where all three parties were on Skype video. This promises to be a useful tool specifically for me.

2012/2013 Goals

My goals for the next year will be:-

- continuing to grow the access and credibility of the complaint system
- establishing a new case management system to modernise the present software
- continuing to establish relationships with the Internet community internationally and New Zealand
- developing relationships with ombudsman both locally and internationally
- developing a complaint management protocol for complaints about me
- developing an office manual for the Ombudman Office
- continuing the training process, both at international and local conferences.
- Using an office to work from with greater resources

Tables of cases:-



Total-132 cases

Currently 41 open

