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Office of the Ombudsman

Remarks at Lisbon Public Forum

March, 2007

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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 today.

Mr. Chairman, I have a number of items that I would like to share with you this afternoon. First, I can report since we last met in Sao Paulo, that my Office has received over a hundred complaints and contacts from the community. This is well above the pace from the previous years.

Many of these complaints have dealt with Registrant issues concerning registerfly. My Office has provided as many positive referrals and as much self help

information as possible to registrants. While I can understand that registrants would turn to my Office in these circumstances, the jurisdiction for my Office is created in the Bylaws, and this does not include oversight of registrars.

My Office continues to receive complaints from around the globe; thus far in 2007 complaints have come from over 20 countries, and have been accessed in at least four languages.

Second, in accordance with the Bylaws, I have released a report concerning needed process improvements in a supporting organization.

In the coming weeks I will be attending the United Nations sponsored International Forum on Online Dispute Resolution and will be chairing a panel entitled “Conflict Transformation and Peacebuilding”.

I am pleased to inform you that ICANN Ombudsman’s Office has the honour of holding the Chairmanship for this UNODR conference in June 2008.

I believe that the continued involvement of the ICANN Ombudsman with the peer Ombudsman and Online Dispute Resolution communities is important.

Through these associations my Office stays abreast of the best practices in the field of dispute resolution, and by participating in the various fora, increases the

reputational value of both the Ombudsman and ICANN as a world leader in online Ombudsmanship.

My Office continues its work on developing and implementing an evaluation strategy. We continue to conduct a client satisfaction survey, and are a good way through the steps to complete a mid term or formative evaluation of the Office. I can say with some degree of pride that the ICANN Ombudsman program is the world's leader in Ombuds operation evaluation, and I have been asked to give presentations at upcoming Ombudsman conferences on this Office's accountability and review program.

The next steps in this evaluation process will involve a integrity audit of complaint files by a third party

unrelated to ICANN. As with previous outside evaluations, the results will be provided to the Board Audit Committee for review and ratification.

Mr. Chairman, as is usual in my presentations, I would like to spend a couple of minutes talking about one of the principles of Ombudsmanship. Today, it would seem appropriate to talk about the Ombudsman's power to obtain information. As a designated neutral in the dispute resolution process, it is important that the Ombudsman has the ability to review all facts concerning the dispute. It is normal for all Ombudsmen to have free and unrestricted access to documentation held by the organization or state in his review. In statutory regimes, Ombudsmen are often given the power of subpoena to obtain

documentation if normal requests are not successful. ICANN's Bylaw V is consistent with that principle, and provides the Ombudsman with the authority to access documentation held by ICANN and its various structures. Of course, my Office does not have the power to issue subpoenas, and I do rely on the good will of the organization to respect requests for information made under the authority of Bylaw V.

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