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Office of the Ombudsman

Remarks at Seoul Public Forum

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Mr. Chairman, Peter Dengate-Thrush, 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, in two days, Sunday November 1, 2009, the ICANN Office of the Ombudsman will celebrate its fifth anniversary. This is a unique celebration of an experiment in governance, oversight, and the resolution of fairness complaints that has gone very well.

The ICANN Office of the Ombudsman is a unique entity in the world. It is an office that is established by the bylaws of a private corporation. The members of

the corporation are the global stakeholders of the policy development process which administers the universal and interoperable Internet. In other words, it consists of all those persons in the world who either can access the Internet or who also own domain names.

Thus the Office of the Ombudsman serves a global audience of “connected users” whose numbers rise into the billions. The Office of the Ombudsman offers “24/7” multilingual complaint handling and dispute resolution services to this vast stakeholder group.

After five years of operations I offer the following numeric report to the Board of Directors and stakeholders:

- ✓ 1.1: Staff of the Office of the Ombudsman - the office has a full time Ombudsman and an adjunct Ombudsman who covers for the Ombudsman when on leave, and provides investigative and other support;
- ✓ 2420: complaints and contacts received;
- ✓ 245: complaints within the Ombudsman's jurisdiction – an act, decision, or inaction by ICANN Staff, Board, or supporting organizations;
- ✓ 32: cases closed as resolved;
- ✓ 501: referrals to others to assist a complainant with an issue;
- ✓ 185: cases where self help information was provided;
- ✓ 1501: contacts outside of the Ombudsman's jurisdiction;

- ✓ 11: number of formal reports filed under Bylaw V;
- ✓ 8: reports recommending systemic change to ICANN administrative practices;
- ✓ 29: formal recommendations made to the Board of Directors for redress and system improvement;
- ✓ 10: recommendations presently under consideration in the Internal Fairness Process which will be presented to the Board of Directors in the coming weeks;
- ✓ 6: Ombudsman reports with recommendations before the Board of Directors for consideration;
- ✓ 133: outreach events conducted by or attended by the Office of the Ombudsman:
- ✓ 2: files presently under investigation;
- ✓ 0: files in backlog;

- ✓ 693: days the Ombudsman has been in travel status over the 5 year period;
- ✓ 93: posts on the ICANN Ombudsman Blog;
- ✓ 216: approved comments on the Blog;
- ✓ 5: Annual Reports produced;
- ✓ 6: languages of publication of the annual report;
- ✓ 71: countries from which complaints originated.

Mr. Chairman, it is important that the Board and the organization recognize that they have created a unique conflict resolution mechanism. This Office has three major benefits for the organization. First, it allows the staff, volunteers, and Board members to concentrate on their usual duties without having to spend inordinate time dealing with disputes.

Secondly, it provides a forum for dispute resolution outside of the courts or other formal processes. This saves time and money for both parties involved and also helps to preserve the relationship between the parties by dealing with disputes at the lowest possible conflict temperature. Thirdly, the establishment of such an Alternative Dispute Resolution office enhances the reputational value of the organization as a corporate governance and corporate social responsibility leader in the world.

Mr. Chairman, I wish to inform the Board of Directors and the community that in the coming days I shall be submitting a report, as is required by Bylaw V. This report will be posted on the website. The

investigation concerns the impact of uncivil behaviour

in the ICANN structures. During the course of my review, I have formed the opinion that incivility has a subversive impact on ICANN. Uncivil behaviour limits the capacity of the organization to hear the concerns and ideas from a wide range of community members; especially when that uncivil behaviour is layered with cultural and linguistic differences. Mr. Chairman, I urge the Board of Directors to consider my recommendations in the most expedient and considered manner.

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