

Staff Report of Public Comment Proceeding

Recommendations to Improve ICANN's Office of Ombudsman (IOO)

Publication Date: 16 February 2018

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Open Date:	10 November 2017									
Close Date:	5 January 2018 Extended to 14 January 2018									
Staff Report Due Date:	15 February 2018									

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Section I: General Overview and Next Steps

The Cross-Community Working Group (CCWG)-Accountability-Work Stream (WS) 2 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 Accountability and Transparency Review Team (ATRT) 2 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.

In this context the Ombuds-IOO sub-group produced 11 recommendations which aligned very closely with the 11 recommendations made by the external reviewer.

The sub-group will review its recommendations in light of the public comments made and will make its final recommendations to the CCWG-Accountability-WS2 Plenary.

Section II: Contributors

At the time this report was prepared, a total of seven (7) community submissions had been posted to the forum. The contributors, both individuals and organizations/groups, are listed below in chronological order by posting date with initials noted. To the extent that quotations are used in the foregoing narrative (Section III), such citations will reference the contributor's initials.

Organizations and Groups:

Name	Submitted by	Initials
ALAC	Alan Greenberg	ALAC
GNSO-BC	Steve DelBianco	BC
GNSO-NCSG	Rafik Dammak	NCSG
GNSO-IPC	Brian Scarpelli	IPC
GNSO-RYSG	Stéphane Van Gelder	RYSG
ICANN Board		Board
INTA	Etienne Sanz de Acedo	

Individuals:

Name	Affiliation (if provided)	Initials

Section III: Summary of Comments

General Disclaimer: This section intends to summarize broadly and comprehensively the comments submitted to this public comment proceeding but does not address every specific position stated by each contributor. The preparer recommends that readers interested in specific aspects of any of the summarized comments, or the full context of others, refer directly to the specific contributions at the link referenced above (View Comments Submitted).

Many of the comments were supportive of many of the recommendations – however a number of issues were noted with respect to some of the recommendations. Some of the major points were:

- Recommendation 4 on the recommendation of a requirement to respond within 90 days to a formal request of the IOO – presented a significant divergence of opinions for and against.
- Recommendation 7 on requiring diversity in the IOO was generally negative.
- Recommendation 8 on the recommendation establishing an Ombuds Advisory panel – The ICANN board had significant concerns.

Section IV: Analysis of Comments
<p>These inputs will be considered by the Ombuds-IOO sub-group which will produce an updated set of recommendations. These recommendations will be included in the Draft Final Recommendations of the CCWG-Accountability-WS2 which will be published for public comment in March 2018.</p>