

Statistical Comparison

Internet Corporation for Assigned Names and Numbers

Office of the Ombudsman

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Table of Contents

Introduction	p.3
.1 The Saskatchewan Ombudsman	p.5
.2 The United Nations Ombudsman	p.6
.3 The Ombudsman for Banking Services and Investments	p.7
.4 Summary – What Does it Mean	p.8
Reference	p.9

Introduction

Figures often beguile me, particularly when I have the arranging of them myself; in which case the remark attributed to Disraeli would often apply with justice and force: "There are three kinds of lies: lies, damned lies and statistics."¹

This short chapter reflects a comparison between the Internet Corporation for Assigned Names and Numbers (ICANN) Office of the Ombudsman and three other Ombudsman Offices: the Ombudsman for the Province of Saskatchewan, the Ombudsman for Banking Services and Investments (Canada) (OBSI), and the United Nations Staff Ombudsman. The purpose of this review is to bench mark some comparators between similar agencies to see if it is possible to determine if the ICANN Office of the Ombudsman operates with efficiency.

Twain's words above provide strong guidance for this exercise. The ICANN Ombudsman is unique. It is an Executive Ombudsman's Office, and these are few in number. Also, it is unique in its operational environment, as it is also an online Ombudsman, which serves a wide and varied population. Two comparables are neither executive nor online Ombudsman entities, but in balance still provide relative and relevant opportunities to look at a snapshot of activities to test effectiveness. The Saskatchewan Ombudsman is a classical or governmental Ombudsman, while the United Nations Ombudsman is an organizational one. The former is independent from government and receives complaints from persons affected by government

¹ Mark Twain

administration. The latter is independent within the United Nations structure, and receives complaints from aggrieved staff.

The ICANN Ombudsman is somewhere in the middle. It is an independent officer of the organization which takes complaints from the community the agency serves. It is most similar to the OBSI, which is an agency funded by banks, investment houses, and Mutual Funds dealers, and which most closely has the characteristics of being inside the organization while taking complaints from outside.

This comparison represents a snap shot of all three Ombudsman Offices in early 2006, and is based on: the 2004 Annual Report to the Legislature of the Saskatchewan Ombudsman², the 2005 OBSI Annual Report³, the United Nations Ombudsman's Report to the General Assembly⁴, the and ICANN Ombudsman statistics current to early 2006. The comparisons with the Saskatchewan and UN Ombudsman Offices were originally communicated to the Board of Directors in the January and February 2006 Monthly Ombudsman reports. The comparisons are based on information found in public reports of the comparables at that time.

² Saskatchewan Ombudsman

³ OBSI

⁴ UN Ombudsman

.1 The Saskatchewan Ombudsman

According to the 2004 Annual Report, the Saskatchewan Ombudsman has a staff compliment of 19. The ICANN Ombudsman is a sole practitioner Office, with an adjunct Ombuds, for a compliment of 1.08 Full Time Equivalent (FTEs).

The Saskatchewan Ombudsman had a budget during the relevant period of \$1.255 million for salary and \$326,000 for operating expenses, for a total of \$1,581,000. During the same relevant period the ICANN Ombudsman budgeted \$183,000 for salary and \$140,000 for operating expenses, totaling \$325,000 (all Canadian Dollars – CAD). The ICANN Ombudsman under spent during this fiscal year by \$40,000, total expended budget was \$285,000.

The Saskatchewan Ombudsman reports jurisdictional 2913 intakes, with assistance rendered or the matter investigated in 639 cases (22%).

The ICANN Ombudsman handled 1692 intakes, with assistance given, or the matter investigated in 348 matters (20.5%). Thirty-six cases were found to be jurisdictional (i.e. to be with the review powers established within Bylaw V) (2.1%).

As a crude average, this would mean that the Saskatchewan Ombuds staff each completed 33 investigations at a cost of \$2474 per file, while ICANN office completed 33.33 investigations per staff (at 1.08 FTEs) at a cost of \$7947.36.

Also a crude average, there would be 154 intakes per staff member in Saskatchewan, at a cost of \$543 per intake. The ICANN Ombudsman averaged 1566 per staff member, with an average cost of \$192 per intake.

.2 The United Nations Staff Ombudsman

The UN Staff Ombuds was instituted in July 2002, and first reported to the General Assembly in 31 August 2005⁵, thus her first report covers three years. The Ombuds has a staff of six FTEs. The Ombuds is paid at level of an Assistant Secretary General, consistent with the principle that the American Bar Association (ABA) recommends "that the Ombuds be of sufficient stature in the organization to be taken seriously by senior officials."⁶

The United Nations Ombudsman does not report on her budget.

In roughly three years of operation, with six staff, the Ombuds reports that she has handled 1386 complaints and contacts. The ICANN Ombudsman's Office has handled 1850 intakes and complaints in 16 months. This provides a crude average of 6.4 contacts per staff member per month at the UN Office, and 107 contacts per month per staff member at the ICANN Office.

⁵ United Nations Ombudsman

⁶ ABA Footnote 11, page 13

.3 Ombudsman for Banking Services and Investments

The OBSI is an agency which is formed across the major chartered banks, investment houses, and mutual funds dealers, in response to federal legislation which requires that federally regulated financial institutions belong to a third party dispute resolution system⁷. Some members of the OBSI are institutions which are not required under law to belong, but do so voluntarily, such as credit unions, which fall under provincial and not federal jurisdiction. The OSBI would take jurisdiction when issues have not been resolved to the satisfaction of consumers using in house dispute resolution procedures⁸.

The OBSI reports 308 intakes in 2005, with 164 cases being jurisdictional. The OBSI has a staff of 17, and therefore averages fewer than 10 files per staff member on an annualized basis. The OBSI does not report on his budget. It should be noted that the OBSI handles complaints which will have normally have passed through three or four levels of review prior to being able to take jurisdiction; and that some investigations may involve complex financial and market data.

⁷ S.455.1(1) Bank Act, etc

⁸ ibid

.4 Summary – What does it mean?

Again bearing in mind that these are not direct comparisons, (i.e. Executive Online Ombudsman to Executive Online Ombudsman), and that the basis of comparison is limited to the extent of the information provided in the public reports of the comparables, the analysis still has value. It shows that the ICANN Ombudsman, in relative terms, assists or investigates, and has jurisdiction over issues complained about in stride with a classical Ombudsman's Office. In other words, the volume of non-jurisdictional enquiries made to the ICANN Ombudsman is seemingly normal with that volume received by other Ombuds which do intakes from the general public.

Secondly, the averaged volume of contacts and complaints handled by the ICANN Ombudsman is well above those of executive, classical and organizational Ombudsman. This would indicate that the ICANN Ombudsman is efficient in its operations.

It is important to bear in mind that this comparison is based on a snapshot of activity. It is neither a predictor of future comparisons, nor of intake volumes. These will, of course, be dictated by issues handled by the agency, and by community response.

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