ICANN CCWG-Accountability Work Stream 2

Design/Drafting Team Ombuds Office

1. Background for Ombuds Office in Work Stream 2

ICANN's new bylaws reflect the CCWG Supplemental Final Proposal, regarding Work Stream 2 (WS2)

ARTICLE 27 TRANSITION ARTICLE

Section 27.1. WORK STREAM 2

(b) The CCWG-Accountability recommended in its Supplemental Final Proposal on Work Stream 1 Recommendations to the Board, dated 23 February 2016 ("CCWG-Accountability Final Report") that the below matters be reviewed and developed following the adoption date of these Bylaws ("Work Stream 2 Matters"), in each case, to the extent set forth in the CCWG-Accountability Final Report:

> (vii) Considering enhancements to the Ombudsman's role and function;

This WS2 item was described in the CCWG-Accountability Work Stream 1 Final Proposal (Annex 12):

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.

2. Dependencies between the sub-groups

- Diversity (Sébastien Bachollet)
- Human Rights (Raoul Plommer)
- Jurisdiction (Farzaneh Badii)
- SO/AC Accountability (Cheryl Langdon-Orr)
- Staff Accountability (Avri Doria)
- Transparency (Michael Karanicolas)
- Reviewing CEP (Edward Morris)
- Guidelines stand. conduct (Karel Douglas)
- IRP "Phase 2" (Robin Gross)

3. Stress Tests

Any stress tests elaborate during Work Stream 1 dealing with Ombuds function?

4. Current role of the ICANN Ombuds Office

The Ombudsman Role has been expanded through WS1, to include a responsibility to perform a first substantive review over Reconsideration Requests.
In addition, the CWG-Stewardship identified a new role for the Ombudsman, as a place of escalation for complaints about (Public Technical Identifiers) PTI's naming function service delivery. [*Can someone point to an official document?*]

This expansion is in addition to the Ombudsman's existing role (as set forth in the ICANN Bylaws) and further described in the Ombudsman Framework.
The Ombuds office is a mediator and not a decision maker.
The Ombuds office can only suggest it can never tell anyone to do anything - which is why informality is so important.

5. Evaluation

Evaluate the current ICANN Ombuds charter and operations against industry best practices

    a. ICANN Ombudsman Framework (April 2009)

b. International Ombuds Association

   i. http://www.ombudsassociation.org/About-Us/IOA-Standards-of-Practice-IOA-Best-Practices.aspx

   ii. http://www.ombudsassociation.org/IOA_Main/media/SiteFiles/IOA_Best_Practices_Version3_101309_0.pdf