

**A Blueprint for the Evaluation of an Ombudsman's Office:  
A Case Study of the ICANN Office of the Ombudsman**

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November 2008

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## **Acknowledgements**

There are a number of people without whom this degree would not have been possible. I would like to acknowledge their support, patience and kind efforts on my behalf, and to say thank you: Professor Tania Sourdin and Dr Samantha Hardy of the Australian Centre for Peace and Conflict Studies (University of Queensland); Dr. Barb Male; the Internet Corporation for Assigned Names and Numbers, its Board of Directors and staff; Sara Stohl; the Ombudsman community including the International Ombudsman Association, the International Ombudsman Institute, the United States Ombudsman Association, and the Forum of Canadian Ombudsmen; William Angrick; Dean M. Gottehrer; John Jeffrey; John Zinsser; Beth Glassman; Herb Waye; my dear family, my wonderful son Chris, and lovingly patient Mary Ann Mulhern, to whom this dissertation is dedicated.

To my colleagues, friends, and family, I want to thank you for your understanding and consideration in recognizing that writing this dissertation has taken my attention for quite some time. Your patience has helped me to keep on track and to complete this work.

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## Summary

The title of this dissertation incorporates two key terms that define the work. First, the reader should view the paper by as a blueprint for evaluation which, like all generic blueprints, can be amended to fit the terrain, augmented based on new information or technology, or reduced to fit a stricter budget. It is also very much a blueprint that is developed from an action-oriented case study of an ombudsman, and is, therefore, relevant and tested.

A long-standing question in the ombudsman community has been how to evaluate ombudsman operations without impugning the determining characteristics of an ombudsman: independence, impartiality, and confidentiality.

There has been a lack of information or guidance, especially at the practitioner level, on how ombudsmen can develop meaningful evaluations without violating confidences or independence. This dissertation provides practitioners with tools that will enable them to conduct evaluations to determine information about ombudsman operations, formulation, and improvements.

The dissertation also provides information on two areas of interest for ombudsmen. First, it focuses on the design, development, reporting on, and assessment of a multipronged evaluation approach for the Internet Corporation for Assigned Names and Numbers (ICANN) Office of the Ombudsman. This review also considers the somewhat scarce existing literature in the field.

Second, this dissertation fills the gap in the existing literature by developing a practitioner's guide to evaluation techniques. The evaluation research is developed and conducted with the ICANN Ombudsman by designing, implementing, and assessing a number of evaluation techniques: self-evaluation, client surveys, benchmarking activities, and the like.

The ICANN Office of the Ombudsman is a unique entity. It conducts online dispute resolution as an ombudsman. It is likely the first, if not the only online ombudsman operation anywhere. The ICANN Ombudsman has jurisdiction over complaints concerning the actions, decisions, or inactions of the ICANN Board of Directors, staff, or supporting organizations. It conducts its work using a wide variety of alternative dispute resolution techniques: negotiation, mediation, shuttle diplomacy, good offices, fact finding, investigation, and reporting and recommendation.

All this research is important, not simply to fill gaps in the literature, but to provide the growing ombudsman community with cost-effective tools that enable them to determine any gaps in community service, jurisdiction, or activity; to determine whether there are adequate resources; and to justify retention of either the incumbent or the programme generally. This is a set of skills and action plans that are in high demand by the community, and this dissertation provides the first major steps to meet that demand.

## Statement of Authorship

“Except where reference is made in the text of the thesis, this thesis contains no material published elsewhere or extracted in whole or in part from a thesis or any degree or diploma.

“No other person’s work has been used without due acknowledgement in the main text of the thesis.

“This thesis has not been submitted for the award of any degree or diploma in any other tertiary institution.”

Frank Fowlie

Date

## Acronyms and Abbreviations

ABA	American Bar Association
ADR	Alternative Dispute Resolution
ALAC	At Large Advisory Committee
ASA	American Standards Association
BIOA	British and Irish Ombudsman's Association
ccTLD	Country Code Top-level Domain
ECR	Environmental Conflict Resolution
ERC	Evolution and Reform Committee
EU	European Union
FCO	Forum of Canadian Ombudsman
FTE	Full Time Equivalent
GAC	Governmental Advisory Committee
GNSO	Generic Names Supporting Organisation
gTLD	Generic Top-level Domain
IANA	Internet Assigned Numbers Authority
ICANN	Internet Corporation for Assigned Names and Numbers
ICHRP	International Council on Human Rights Policy
IOA	International Ombudsman Association
IOI	International Ombudsman Institute
IP	Internet Protocol
IRP	Independent Review Panel or Process
ISO	International Organisation for Standardization
NATO	North Atlantic Treaty Organisation
OBSI	Ombudsman for Banking Services and Investments
OHRCC	Office of Human Relations and Citizen Complaints
OSCE	Organisation for Security and Cooperation in Europe
RMAF	Results-based Management Accountability Framework
TBS	Treasury Board Secretariat
TOR	Terms of Reference
UDRP	Uniform Domain Name Dispute Resolution Policy
UN	United Nations
UNODR	United Nations Expert Working Group on Online Dispute Resolution
USOA	United States Ombudsman Association