

ccPDP
bureaucratic burden
or necessary evil?

Benchmarking
ccPDP(1)

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*Roland, one of Charlemagne's knights,
created the breach with his sword.*



Purpose ccPDP

- General: Method to resolve some issues by recommending policy (changes)
- Specific: Recommend changes to bylaws Article IX, Annex B and Annex C
- Get experience in running ccPDP
 - Strengths and Weaknesses
 - Efficacy and Efficiency

Experience ccPDP 1

- Process and procedures: crucial stages
- Time Line
- Organization
- General Observations

Process and procedures (1)

6 stages

- 1. Defining scope
 - Not defined; deliverable request for issue report
- 2. Defining issues in predetermined scope
 - Defined in Annex B; deliverable Issue report
- 3. Understanding Issues and initial resolution of issues
 - Defined in Annex B (Comment Period 1); Initial Report
- 4. Propose resolutions
 - Defined in Annex B (Comment period 2); Final Report
- 5. Voting stages \Rightarrow ccNSO Recommendations
 - Defined in Annex B
- 6. Board vote
 - Minimal time defined, depends on substantive matter

Crucial stage 1: Defining Scope

- Pre-determines scope of debate & possible solutions
- Not clearly defined in Bylaws
 - Discretion Council
 - Flexibility versus control by Council?
- Problem definition generic and precise
 - Limits use of process to resolve related problems
 - Protects process
 - Guidance to Issue Manager
- Core question: can problem only be resolved through ccPDP!
 - Other means: best practice, advice
 - Criteria: subsidiarity & proportionality

2nd crucial stage ccPDP

Comment Period 1

- Pre-defines substantive solutions
- Discretion of Issue Manager (partly defined)
 - Clarify issues & matters raised as identified in issue report
 - Identify underlying concerns & interests
 - Debate among stakeholders
 - Generate space of possible solutions
 - Analysis Issue Manager (proportionality & feasibility of resolutions)
- **Public Hearing(s) & Minutes of Hearing!**

Time Line(s)

- Estimated versus real timeline
 - Estimated: April- November 2005
 - Real: April 2005- February / April 2006?
- Difference 4-5 months
 - Planning to ensure participation (Public Hearing, realistic comment periods)
 - Processing time Reports
 - Voting stages and availability
- Minimum versus maximum time per stage
 - ccPDP versus gPDP (at least or maximum 21 days)
 - Realistic versus overestimated flexibility and interest private sector
- What is realistic? Depends on scope of specific ccPDP & Issues

Organization

- Issue Manager
 - Independent, availability (reporting time consuming)
- ICANN staff support
 - Link with ICANN, Organize information exchange relevant ICANN staff
- Chair ccNSO ↔ Issue Manager
 - Core working relation, pre-defined roles in ccPDP
- Sub-Committee of the ccNSO Council (5, 1 every Region)
 - Assist chair of the ccNSO and Issue Manager
 - Consultative panel Issue Manager
 - Friends of the IM (fill in gaps for non addressed issues, expert panel)
- Regional Representatives
 - Valuable mechanism to seek input and contact regions

General Observations (1)

- Legitimacy of outcome
 - Sin of Commission and Omission
 - Tiered voting process
 - Transparency of substance and process
 - Active approach stakeholder (to be improved)
 - Public hearing(s) (to be improved)
 - Completely defined process, with participation at all stages
- Transparency
 - Complexity of process
 - Complexity of issue(s) under review
 - Reporting

General Observations (2)

■ Efficacy

- Structured process:
 - defining issues⇒debate⇒resolutions⇒voting
- Build in flexibility ⇒ additional complexity
- Tiered voting results in complexity
 - Council⇒Members⇒Council⇒Board
 - Balance of powers

■ Efficiency

- Efficiency ⇔ Efficacy, Legitimacy and Transparency
 - Time consuming steps to structure & prepare stages, reporting
 - Maintain core role IM to manage process

Other processes

- WIPO-1 & 2 processes
- gPDP processes
 - Relative inflexibility (bylaws)
 - Unrealistic maximum timelines per stage; unrealistic prescribed timelines
 - Core role gNSO Council
 - Staff manager records, not managing process
 - Sin of Commission and Omission
 - Definition of scope of PDP