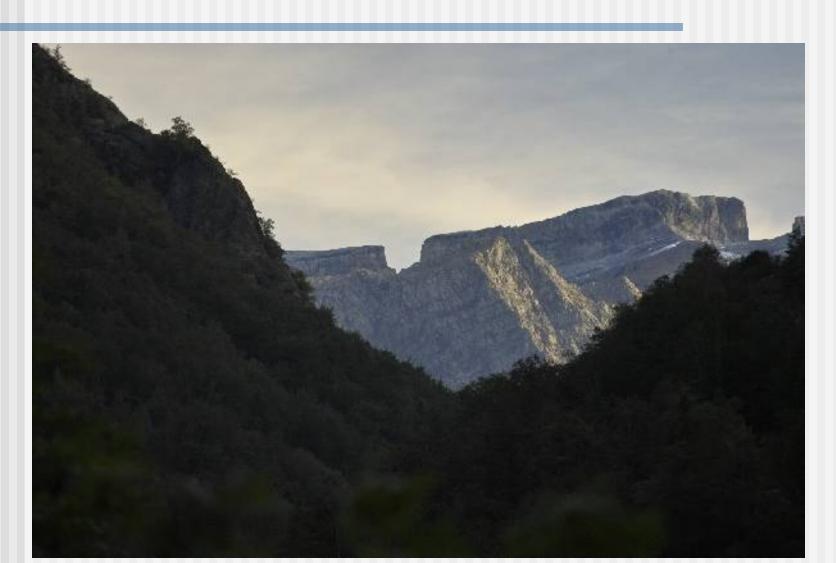
### ccPDP bureaucratic burden or necessary evil?

Benchmarking ccPDP(1)

Bart Boswinkel Issue Manager

### 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 ⇒ 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

## 2<sup>nd</sup> 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
    - Transparancy of substance and process
  - Active approach stakeholder (to be improved)
  - Public hearing(s) (to be improved)
  - Completely defined process, with participation at all stages
- Transparancy
  - 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 Transparancy
    - 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