

Voting Thresholds for Delaying a PDP

Added by [Marika Konings](#), last edited by [Marika Konings](#) on May 07, 2012

Members: Ron Andruff, Angie Graves, Krista Papac, Avri Doria

For review:

- [Item 5 – Threshold Rules Needed for Delaying a PDP.pdf](#)

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Labels **None**

12 Comments



Angie Graves

Jun 03, 2012

As a new member, I will share my current understanding in an attempt to establish a baseline for discussion (, and inviting correction and/or clarification of my understanding):

Now that the structure of the GNSO has changed into a bicameral organization, there are only 7 votes where there was once more than 20 votes.

The PDP process is well-defined. What should be required to halt or delay the process, or to block a PDP?



Angie Graves

Jun 04, 2012

Another comment, submitting on Ron's behalf from collected input:

Because this is routine on the front-end, it ought to be harder to forestall a PDP as it rolls through the process. A higher voting threshold makes sense in this instance. However, in some cases, new information surfaces (afterall, some PDPs take 18-to-24 months to ripen; the world can change a lot). That said, even a motion to stop a PDP because of new information ought to have to meet that higher threshold.



Marika Konings

Jun 05, 2012

Maybe just to clarify, a voting threshold to stop (terminate) a PDP is already part of the revised GNSO PDP as adopted by the ICANN Board last December ("The GNSO Council may terminate a PDP prior to the publication of a Final Report only for significant cause, upon a motion that passes with a Supermajority Vote in favour of termination. The following are illustrative examples of possible reasons for a premature termination of a PDP: 1. Deadlock . The PDP Team is hopelessly deadlocked and unable to identify recommendations or statements that have either the strong support or a consensus of its members despite significant time and resources being dedicated to the PDP; 2. Changing Circumstances. Events have occurred since the initiation of the PDP that have rendered the

PDP moot or no longer necessary; or 3. Lack of Community Volunteers . Despite several calls for participation, the work of the PDP Team is significantly impaired and unable to effectively conclude its deliberations due to lack of volunteer participation.")

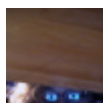
This specific item relates to delaying a PDP after it has been initiated, a situation which recently occurred in the context of the 'thick' Whois PDP (see also staff memo posted at the top of this page for further details).



Angie Graves

Jun 13, 2012

Thank you for the clarification, Marika. These details are helpful, as is the staff memo you posted earlier.



Avri Doria

Jun 17, 2012

I think we have two 'easy' choices:

- the threshold for cancelling
- the threshold for initiating

Can't remember at the moment if these are the same, if they are, we have one 'easy' choice.



Marika Konings

Jun 18, 2012

The threshold for terminating and initiating a PDP are as follows:

- Terminate a PDP: Once initiated, and prior to the publication of a Final Report, the GNSO Council may terminate a PDP only for significant cause, upon a motion that passes with a GNSO Supermajority Vote in favor of termination.
- Initiate a Policy Development Process ("PDP") Within Scope (as described in [Annex A](#)): requires an affirmative vote of more than one-third (1/3) of each House or more than two-thirds (2/3) of one House.

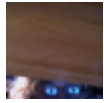
As outlined in the staff memo, we would recommend that the same voting threshold is applied as for terminating a PDP as if you would apply the same voting threshold for initiating a PDP as for delaying one, you could have 34% votes to start a PDP and then a different 34% could immediately move to suspend it. Similarly if you apply a simple majority vote: 40% want a PDP and 60% are against a PDP, then the 40% could start one, but then the 60% could immediately suspend the PDP indefinitely. In our view this seems to directly contravene the spirit of the PDP (ensure that consideration of an issue cannot be blocked if there is a certain level of support – the importance of which was also confirmed by the PDP-WT in its deliberations). Even though there is no provision or voting threshold specified for "suspending" a PDP, the effect of suspending a PDP indefinitely can effectively be the same as terminating a PDP, hence it makes sense in our view to adopt the same voting threshold as required for terminating a PDP (supermajority vote).



Angie Graves

This seems to make sense, Marika. What I don't understand is the difference between the act of suspension and indefinite suspension. Also, are there standard definitions for "suspend" and "terminate" in relation to PDPs?

Jun 19, 2012



Avri Doria

about 11 hours ago

I think the difference between suspension and indefinite suspension calls for a different threshold than cancellation. Perhaps a suspension for a specific amount of time should be classed as similar to "Amendment to an Approved PDP Team Charter" > half of each house.

In a sense a suspension is an amendment to the timeline of a charter, so this may just be a wording/interpretation issue and may not require a new rule.



Angie Graves

about 8 hours ago

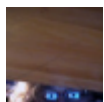
I agree that there is a difference. Is there a precedent for this elsewhere in ICANN? I also agree that a new rule should be avoided if it's possible to accomplish the desired result without it.



Angie Graves

about 8 hours ago

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Avri Doria

about 8 hours ago

Not sure the g-council has ever used it, but the Amendment to an Approved PDP Team Charter is already part of the process and defined in the PDP Manual page 58 Annex 2 section 8 of the GNSO Operating Rules ...:

Once approved, modification of any PDP Charter is discouraged, absent special circumstances. Approved charters may be modified or amended by a simple majority vote of each House.

The GNSO Operating Rules ... in section 8, page 57 on defining charters includes:

The elements of the Charter should include, at a minimum, the following elements as specified in the GNSO Working Group Guidelines: Working Group Identification; Mission, Purpose and Deliverables; Formation, Staffing and Organization, and; Rules of Engagement.

On Page 50 GNSO Operating Rules ... Annex 1 it states that the following should be included in a charter:

6.2.2.3 Deliverables and Timeframes

A Charter is expected to include some, if not all, of the following elements: potential

outcomes and/or expected deliverables, key milestones, and a target timeline - all of which can, if necessary, be further refined by the WG at its onset in conjunction with the CO. Although the identification of specific work tasks, outcomes, and deadlines might be perceived as constraining the WG in its activities, it is also intended to provide guidance to the WG and prevent unintentional scope creep. It should be emphasized that the WG can always ask the CO to reconsider any of the deliverables or renegotiate deadlines identified by providing its rationale.

In certain WGs, such as a Policy Development Process, the milestones and timeline might be prescribed by the ICANN Bylaws. In other situations, sufficient thought should be given to key milestones, realistic timelines, and ways to inform and consult the ICANN Community (such as public comment periods). It should be noted that any changes to milestone dates incorporated in the charter will need to be cleared with the CO.

A delay is really a renegotiation in the deadline and thus a modification/ammendment of the charter for the PDP.

So I think the issue is already covered and doesn't even need a language change or a stretched interpretation

I recommend that perhaps we have nothing to change.



Marika Konings

about 4 hours ago

There are two issues that the SCI may consider with regard to the proposed solution:

1. In the case that triggered this issue, no charter had been adopted yet. The PDP was initiated by the GNSO Council, but subsequently the next step in the PDP, the formation of a DT to develop a Charter, was delayed until end of November.
2. The modification of a WG Charter requires a simple majority vote, which could result in the same scenario as outlined in the staff paper: 'if you apply a simple majority vote: 40% want a PDP and 60% are against a PDP, then the 40% could start one, but then the 60% could immediately suspend the PDP indefinitely. In our view this seems to directly contravene the spirit of the PDP (ensure that consideration of an issue cannot be blocked if there is a certain level of support – the importance of which was also confirmed by the PDP-WT in its deliberations). Even though there is no provision or voting threshold specified for "suspending" a PDP, the effect of suspending a PDP indefinitely can effectively be the same as terminating a PDP, hence it makes sense in our view to adopt the same voting threshold as required for terminating a PDP (supermajority vote).'

A possible alternative solution could be to update the section on the termination of a PDP in the PDP Manual as follows (see added language in bold):

*The GNSO Council may terminate **or delay** a PDP prior to the publication of a Final Report only for significant cause, upon a motion that passes with a Supermajority Vote in favour of termination **or delay**. The following are illustrative examples of possible reasons for a premature termination **or delay** of a PDP:*

1. *Deadlock. The PDP Team is hopelessly deadlocked and unable to identify recommendations or statements that have either the strong support or a consensus of its members despite significant time and resources being dedicated to the PDP;*

*2. Changing Circumstances. Events have occurred since the initiation of the PDP that have rendered the PDP moot, ~~or~~ no longer necessary, **or warranting a delay**; or*

3. Lack of Community Volunteers. Despite several calls for participation, the work of the PDP Team is significantly impaired and unable to effectively conclude its deliberations due to lack of volunteer participation.