

Item 5 – Threshold Rules Needed for Delaying a PDP

- The revised GNSO PDP currently does not foresee the delay of a PDP after it has been initiated. There are provisions that deal with delaying the vote on initiating a PDP and terminating a PDP (supermajority vote required), but not delaying one after it has been initiated.
- This issue came up following the initiation by the GNSO Council of a PDP on ‘thick’ Whois and the subsequent desire of the GNSO Council to delay the next steps of this PDP (forming of a drafting team to develop a charter) to a later date. Staff recommended that a supermajority vote should apply in order to avoid potential gaming of the process. However, as there is no specific voting threshold specified in the Annex A for such a vote, the Council Leadership decided to apply the default vote of a simple majority and refer this issue to the SCI for further consideration.
- To explain the staff’s rationale for applying a supermajority vote, we looked at the numbers. For example, 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).
- The PDP-WT had a similar discussion in relation to the adoption of a Charter for a PDP WG. This is now a required step of the new PDP. The PDP-WT discussed extensively that the vote on the charter should not become an opportunity for those opposed to the PDP to delay or block progress of the PDP by voting the charter down if a simple majority vote would be applied while the threshold for initiating a PDP is lower than that. As a result, the PDP-WT recommended that the same voting threshold should be used for the adoption of the charter as the initiation of the PDP in order to avoid that the PDP would be blocked by those that didn't support its initiation in the first place. A similar logic could be used here – you do not want to create a loophole that would allow those against the PDP, to block / delay the PDP from moving forward after it has already been initiated.