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ICANN75 | AGM – ccNSO: ccPDP3 Review Mechanism Work Group (2 of 2)  
Tuesday, September 20, 2022 – 16:30 to 17:30 KUL

KIM CARLSON:

Hi, everyone, and welcome to the ccPDP3 session two of two. My name is Kim. Myself and Susie will be the remote participation managers for this session. Please note that the session is being recorded and is governed by the ICANN expected standards of behavior.

During the session, questions or comments submitted in chat will be read aloud if put in the proper form as noted in chat. If you would like to speak during the session, please raise your hand in Zoom. When called upon, virtual participants will mute in Zoom. Onsite participants will use a physical microphone to speak.

For the benefit of other participants, please state your name for the record and speak at a reasonable pace. With that, I will hand the floor over to Stephen Deerhake chair of the ccPDP review mechanism.

STEPHEN DEERHAKE:

Thank you, Kimberly. This is the second of two meetings of the Review Mechanism working group being held at ICANN75 this week. This is our wrap-up reaction session, based on the presentation made this morning to the ccNSO and the

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presentation made this afternoon to the GAC. As you know, we did some polling. We had six polls this morning, and we saw no complaints about the direction or the structure of what we're trying to do with the review mechanism. A similar situation in the GAC, we did get a couple questions, but they were not really about the policy per se. They were about... One was, well, if the government wants to pass legislation for [inaudible] manager to transfer to a new manager, how that works. And I didn't see any real issues. And I was wondering if anybody else has some thoughts on how that went. I apologize. Both the presentations were a little rough because Bernie and I were fiddling up to the 11th hour. And I had a little technical issue with Zoom at the GAC. So anybody has any thoughts or comments, feel free.

MAARTEN SIMON:

Hi, it's Martin. I think it went well. I don't think everyone was full awake at the first session this morning. So, it's not a topic—as it takes a bit of explaining maybe—for that early session. But the poll was good. And also in the GAC, I think it went well. I think most... I'm always curious how many of the people in the room really understood what it was about. But that was not because of the presentation. But I think that's because they just don't know. So, yes, and the questions were relevant at least. So that was good. Thank you.

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STEPHEN DEERHAKE: Thanks. The issue with the GAC at the end of the day is they have such incredibly high turnover. These are ministerial type people that come in, government bureaucrats. They come in, and then they get posted somewhere else basically, somewhere else in the bureaucracy. As I recall the last time I heard, it was something like 30% a year.

And given we haven't met in person in over two, other than Manal, I don't think I knew anybody in the room. And I'm sure they had no idea what we were talking about, to be frank about it. But it is in their record now, as well. And they have links to resources, URLs to this and that if they care to look into it. Eberhard took them all the way back to RFC 1591, which I thought was pretty clever.

And yeah, we made the effort. I've been begging the GAC for three-plus years now please have somebody engage with us. When we were doing retirement—FOI, we had Frank March, who was the GAC rep from New Zealand at the time. And he was pretty good about pitching up. And he would contribute now and then.

But more importantly, he would go back and inform his community. We just haven't had that. We didn't have it with the retirement. We certainly have not had it with review. And during retirement pre-pandemic, every time I met with the GAC I would

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just beg, please, send somebody. Put them up in the corner or whatever.

But you can only do so much. If they're not interested, they're not interested. But I do feel we have an obligation to inform them. And if they're listening or not listening, that's been done. So I don't know what else to say about it. Anybody else?

KIM CARLSON: Stephen, Bernie's hand is up.

STEPHEN DEERHAKE: Oh, Bernie. Bernie, the floor is yours. What are you doing up at this time of the day?

BERNARD TURCOTTE How can I leave you guys to yourselves?

STEPHEN DEERHAKE: I know.

BERNARD TURCOTTE Having all that fun. Well, I will note that from the GAC meeting, most of the questions came from people who have been around quite a while. The Danish rep has been there forever. Cancio has been around for a long time also. And basically, what I took out

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from that meeting is they've got their usual concern. Will this affect our current status versus ccTLDs?

And as I think we tried to explain to them—I'm glad Eberhard said basically no. And I think that maybe we could save ourselves some grief by putting a note somewhere in there saying that.

STEPHEN DEERHAKE: Yes, we could definitely do that. I don't see why not.

BERNARD TURCOTTE: Yes. This is what we've said. And it's not an issue. But this is their usual concern. Hi, Eberhard. Given we gave them that answer, why not just stuff it in the paper somewhere, and that way, it's done.

STEPHEN DEERHAKE: That makes sense. It could just be a footnote and it's there.

BERNARD TURCOTTE: Yes.

STEPHEN DEERHAKE: It could be something along the lines of, "Nothing in this precludes blah, blah, blah," something like that.

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EBERHARD LISSE: Excuse me for being late. What are we talking about now? Could you just recap, please?

STEPHEN DEERHAKE: We were talking about the questions that were posed was in the GAC session.

EBERHARD LISSE: Oh, you mean the ones that I answered?

STEPHEN DEERHAKE: Yes, and their usual concerns, does this upset their relationships with their ccTLDs? So Bernard and I were just discussing that. And he suggested let's put a little language in the document. And I said, it could just be a footnote.

EBERHARD LISSE: I don't think we should put language in the document. The more we put in, the more questions we get. They asked the question, and we all know why the representative of k.dk, of the Danish government asked the question. I think we shouldn't.

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STEPHEN DEERHAKE: Bernard, do you have any comeback on that, or do you guys want to debate this?

BERNARD TURCOTTE: I don't want to debate Eberhard at this time of the day.

STEPHEN DEERHAKE: Oh, come on. It's only 4:40 in the morning there. You're fresh and crisp.

BERNARD TURCOTTE: Yes.

STEPHEN DEERHAKE: After a really solid night's sleep.

BERNARD TURCOTTE Yes. No, I think, as everyone has said, it's their usual concern, and we gave the usual answer. And given the... We basically got buy-in from everyone for everything. I think it just saves grief if we just put in a couple of words that say the magic phrase, and then they're happy, and they'll go along with us, but I'm not going to fight.

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EBERHARD LISSE: No, I don't agree with this because it was only one particular individual, and we all know his interest.

STEPHEN DEERHAKE: I've got Peter's hand up. Peter?

PETER KOCH: Sorry, I can't get into the Zoom room here. I get a half-an-hour instruction on how to turn on my camera. May I suggest that we look into our stress tests? And if we haven't something that is applicable to that situation, we generate one. So again, the no answer was correct in our terms. But having a stress test in there that would be applicable or, again, if we add it, the answer was correct but it is also it depends, right? Clearly, the appeal or review mechanism is not designed to review a government decision.

But it would very, very much depend on how that re-delegation would be executed because, of course, the old operator could try to have it reviewed. But the reviewer or PTI would never be able to overturn the government's decision. They might reconsider their own decision. And if we built that into some stress test, we have it in there, a nonnormative part, we could point to that without explicitly saying, "Your concerns have been addressed."



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EBERHARD LISSE: I don't agree with this. A revocation can only be done for cause, like I said. And a revocation...

PETER KOCH: My fault.

EBERHARD LISSE: A revocation and transfer, the way this is supposed to work is, like I said, that the subsidiary principle should apply, the government should lean on the operator, and the operator will then apply for a transfer. A revocation can only be there for cause and not for government wishes.

PETER KOCH: Thanks. I meant to say redelegation, which we don't use anymore. So I was talking about an unsolicited transfer from the perspective of the operator, and the operator might be forced to do that. But that's exactly the thing that we could put into a stress test.

NIGEL ROBERTS: Yes. I'm a little bit concerned about this. I'm falling on the side of joining Eberhard in his ditch on this because a government decision is not something that is, in general, something that we need to take account of. This is something called the rule of law

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in most countries. And if you're in a country that subscribes to the rule of law, governments have to follow the law, not the other way around.

If you happen to be in a country which is an autocratic country, and we know there are some, then that's outside the scope of what we do. So that's a problem that any ccTLD operator working in such a country has to deal with within the best available things that they have. Certainly, saying that we put an example in our stress tests which says something about, "A government decision will be abided by," that sort of goes against everything that we've been looking at for the past, I don't know, decade or more.

STEPHEN DEERHAKE: Thank you, Nigel. Peter, go ahead.

PETER ROBERTS: I was not going to suggest that we say that a government decision will be abided by. But the stress test would be an example that then can be read in that way. But we wouldn't, of course, make that explicit. This whole question about having this case reviewed is a bit like this question can we be sued for this. Well, of course, you can.

But the question is what's the predictable outcome? Of course, the old operator could have this whole thing reviewed, even if

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they initiated the process maybe, but probably without any success. Our process cannot prevent the invocation of the review mechanism, right? And that is something that we might want to make clear.

EBERHARD LISSE:

We've discussed already much more than I would have liked at the beginning. And I find myself grudgingly in [consensus] with this. But we don't want to overshare and give directions on how to mess with the ccTLD operator. If a government... The way this has to be is that the IANA function operator can only evoke a ccTLD for cause. And that is substantial misconduct, for no other reason. The government can stand on its head, IANA function operator will not revoke, unless there is substantial misconduct.

I'm not saying that the government cannot address the situation. But it has to address it individually with its own citizen who is managing the ccTLD manager under national law. National law does not apply to IANA. And we have for over 20 years tried our best to avoid IANA to follow each country's government's issues. They change by the day. We don't even know who's responsible. We had three delegations where .de was the technical contact. We had two different government departments assert that they were the government. And this is a mess which we want to avoid. We propose we just avoid this totally.

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**NIGEL ROBERTS:** I won't support Eberhard in this for two reasons. First of all, we run a risk of changing around rules by giving an example that is too clear or not clear enough. And the second one is if it's what we write down comes over as too unfriendly, people may start a discussion about it while there's no discussion ongoing. So better to leave it out.

**STEPHEN DEERHAKE:** Thank you. Irina, did you have a...? I apologize for not recognizing you.

**IRINA DANIELIA:** That's okay, Stephen. Thank you. With regard to the current discussion on GAC, I think we need to foresee the potential questions in the future from GAC on the same issue. But there will be public comment period, and we might get the same type of comments or questions from GAC members. And if we can prevent them from misinterpreting or misunderstanding the policy, it would be just a good thing for the future. So it will save us some time and effort. Otherwise, we'll still have to respond. And I have a second comment regarding...

**STEPHEN DEERHAKE:** Go ahead.

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IRINA DANELIA: The first session but maybe I defer it for later.

STEPHEN DEERHAKE: When we wrap up this topic, let's go back to that, whenever it might be. Okay, Nigel.

NIGEL ROBERTS: Very quickly, I think, also, it's no good of us trying to anticipate every potential objection that the GAC might do. Perhaps it would be better time and effort spent by liaising with the GAC and having GAC membership in this working group and explaining to them that they are actually leaving the opportunity to be heard alone and that they should take part if they want their input to be taken into consideration.

STEPHEN DEERHAKE: Do you want to take that up? Because I'm a complete failure on that sales call.

NIGEL ROBERTS: You probably wouldn't like the way I would write the letter.

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EBERHARD LISSE:

GAC has a turnover of 20% per meeting from what I understand. And it is of no use whatsoever to try to preempt them. No matter what we do, we'd have to explain it again. We had to explain on our previous working group. We had to explain our workings to one of our members who posted the public comment totally opposed from what we wrote.

So I think it's unwise to open doors that we don't need to walk through. So if they ask, we can still deal with it. If it comes public comments, we still deal with it. We don't have to take their things into our new policy if we don't want to. We don't have to take public comments onBoard. We only have to read them and just see whether they fit and to consider them, and then adjust or not adjust everything, and then see what the Board does in the end. From a technical perspective, I am quite opposed to open doors when it's not needed.

STEPHEN DEERHAKE:

Thanks you, Eberhard. To me, it sounds like we can either try to be proactive and do what Bernard suggested and put a sentence in there or be passive and sit back and see what we get out of the public comment period. And if we don't get anything from the GAC on this topic, they had an opportunity to really provide some input, and if they don't, they don't. If they do, we'll have to respond to it.

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I also like Peter’s suggestion about coming up with a stress test and figuring on this issue. And then, that stress test would go into the appendix. I think it’s B at the moment, with all the other stress tests. Bernard, do you have any thoughts on that?

**BERNARD TURCOTTE:** It’s easily doable.

**EBERHARD LISSE:** That it is doable is not the point. I question strongly whether it’s wise.

**STEPHEN DEERHAKE:** To do the stress test?

**EBERHARD LISSE:** To put those things on record.

**STEPHEN DEERHAKE:** Well, if they’re given the opportunity to comment and they don’t, but then they’re still on the dock when the ship has sailed as far as I’m concerned. I don’t know how anybody else feels about it. But they have an opportunity and if they don’t take up that opportunity, I don’t know, frankly. Anybody else have any thoughts on this topic? Go ahead, Jean.

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**JEAN CONSTANT:** Yes. My only thought on this is from my own history. I would put this under the asked and answered category when you're in court. It's been done so many times, you guys made so many efforts. I appreciate what you're saying. But I'm going to expect that a year or two down the road that it's going to be another full rotation and then they're going to ask the same question again. And we're going to spend time re-explaining it to them again. My comments.

**STEPHEN DEERHAKE:** Thank you. But by then, hopefully, it will be adopted policy, and that's a harder thing to unwind. Let's put it that way.

**JEAN CONSTANT:** I appreciate that, but when Eberhard basically had to explain sovereignty to the GAC today, I'm sorry.

**STEPHEN DEERHAKE:** Any other thoughts, comments on this topic, or can we go to Irina's next question? Bernie, do you have anything further on this or...?

**BERNARD TURCOTTE** Yes. Let's not forget the actual process, right? We can't say just because the GAC doesn't put in a comment on the first pass that



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too little too late too bad because we know, for a fact, that after we do all our stuff and send it to the Council and Council sends it to the Board, the Board does another public comment. Okay? And that's the one that is more problematic, if you will.

Also, the GAC does have this power when a policy is being adopted that they certainly can put in a lot of comments. Now, I'm not saying that they will. I'm not saying it's going to be a problem. But the reality is there's not just one pass at this for the GAC.

STEPHEN DEERHAKE:

I agree, Bernie. I'll get to you, Nigel. The other issue I think we... Yes, I'm realizing about the second comment period, and that would really put a monkey wrench in the works. But so would also GAC advice to the Board if they really are upset with this because it will be...it's about to go in front of the Board.

We've done a lot of work on it. We think we're almost there at the finish line. And either they go in on the second comment period, which I'm sure the Board will do, or they come in with GAC advice. And either one of those, to me, is a really suboptimal outcome. So perhaps we should think about this. Do you think, Bernie, we could think about some very short and vague language to this effect?

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**EBERHARD LISSE:** I'm not happy with this, and it's starting that I need to put my swimming trunks on.

**STEPHEN DEERHAKE:** Well, I'm not saying it's going to go in. That would be up to the group to decide. But certainly, if we could have some language that we could start discussing, I don't see a problem with that frankly. Nigel.

**NIGEL ROBERTS:** Yes. Well, that wasn't what I was going to comment on, but I do see a problem with that idea. And it's from a tactical perspective because no matter how carefully we think that we're going to draft the language, the potential for misunderstandings and misinterpretations at this point is high.

The actual comment I wanted to make was I don't think we should be... We as a ccNSO have not done very many PDPs. And I have to say, as an outgoing Board member 12 months ago when I was trying to get the retirement policy through before I left, and watching what has been done since, in the 12 months since, I'm actually extremely concerned at the way the IANA transition constructed how this is supposed to work and how the Board appears to be taking on, to itself, a policymaking role.

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The Board has no policymaking role here. It is the So/ACs. The So/ACs come up with an approved PDP, do your public consultation, and the bylaws say the Board has one option to consider it at the next subsequent meeting and either accept it or with a super majority of two-thirds throw it out as being contrary to the mission of ICANN.

That's not what's happened. We've allowed the Board to take to itself a House of Lords style power of preventing policy from the SO/ACs. And that's extremely concerning for the whole of ICANN, not just our ccNSO PDPs. So when we start talking about second consultations and so on, I think it's about time some of us started to read the bylaws.

STEPHEN DEERHAKE:

Thank you, Nigel. I'm aware of this unprecedented activity or inactivity, more to the point. Well, a combination of both. They put it out for a second public comment. And there's nothing that says it in the bylaws that says they can do that. And they also have sat on it for over a year. And that is clearly, in my view at least—and I had a big go-around with Patricio, as you well know, at ICANN74, not copasetic at all. It's a clear violation.

But I don't see it's up to this working group to start jumping up and down. I think that has to be done at the SO/AC level with

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SO/AC leadership. And it needs to be a, hopefully, completely united front to say, “You can do this, period.”

NIGEL ROBERTS:

But Stephen, it is up to this working group when we had got a PDP about to go through the same. We can express our concerns, particularly as we have a very duplicated membership of this working group from the PDP3 stuff. So I think it is for us. Yes, you’re quite right. It should go from us to Council. But any member of this working group is perfectly entitled to express an opinion and even to make that opinion public.

STEPHEN DEERHAKE:

Oh, I’m not saying it can or could not. But I think we need to stay in our foxhole until Thursday at the end of business when they get this thing passed, hopefully. Eberhard.

EBERHARD LISSE

I’ve said this before. I don’t understand why we are so worried about what the GAC is going to do. If the GAC provides advice, they provide advice. If they don’t, they don’t. If a particular GAC member tries to further the interest of another GAC member, so be it. If the Board accepts the policy or it doesn’t, so be it. But let’s not forget, this group is here to make a review of decisions of the

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IANA function operator that concerns gTLDs, in particular revocations.

And if we're opening one millimeter the door of allowing anyone to say, "No, but that's not right. That revocation is not what can be appealed," that is what is going to happen. If we start doing this, then we can basically stop doing this, yes. I feel very strongly about it. And I hear one, two, three, four members present also indicating a strong, sorry three more members present, a strong feeling about it.

So I think we should not work on language and considering to put in language. We should be extremely careful and only if we have consensus to this. If we don't have consensus, and at the moment we have a strong opposition, I would not put it in but maybe discuss it on the next meeting again where we have more people present. And if it can get consensus and a way forward, do it, but not if we don't. I'm strong urging to avoid this.

STEPHEN DEERHAKE:

Thank you, Eberhard. Anybody else with...? I'm not suggesting we write it today and then put it in the draft by next week by any means. But I'm not closing the door on having some discussion on our next call when we've got better turnout than we have here, explain to the people, members who were not here, and were not in Zoom today.

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If we get a decent turnout on our next call, I think we should probably have a replay of this conversation and explain to everybody what the GAC's making noises about and then see, okay, you may well find some additional allies that support your position. That's all.

I'm not saying we have to do it. I'm just saying we need a larger... I would argue we don't have a quorum today to really go much further on this. And I think we should have a larger part of this group flesh things out and have this discussion.

EBERHARD LISSE: It was not the GAC. It was a single member with a particular interest that we all know of. So let's be clear on what we're taking about when dealing with this.

STEPHEN DEERHAKE: Okay. I still think we should probably discuss it. And I think we'll come to the same conclusion. I don't know. Any other comments on this topic? Yes, Irina.

IRINA DANELIA: Yes, I agree we need to take a short break of this and probably wait till our next meeting. But the issue is not about what language we should put into the proposed policy. But it's about how to be proactive enough without taking unnecessary risk.

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STEPHEN DEERHAKE: I agree. Nicely put. Anybody else on this topic before we move to Irina's second, next topic? Bernie, do you have any closing thoughts, or are we good to go to do a reprise of this on our next call for a finite amount of time? I'm not going to let the whole call get consumed by this.

BERNARD TURCOTTE: Yes, I'm fine.

STEPHEN DEERHAKE: Okay. Thank you, sir. Irina, you had a second issue, and the floor is yours.

UNIDENTIFIED FEMALE Thank you, Stephen. It's not an issue. It's just a comment regarding this session which was presenting the policy to the ccNSO community. And polling results demonstrated excellent support of all our main pieces of the policy. However, my minor concern is that there were maybe 25 people in the room and there are 10 people participating in the poll. One of those was me. Well, it could be because people just do not care.

But it could be because maybe next time we should do a little bit more promotion on this trying to invite people to the dialogue if

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we really want the feedback from the broad ccNSO community on this. Let me just a little bit more, but email invitations explaining why we want them to participate and to be engaged. Thank you.

STEPHEN DEERHAKE: Thanks, Irina. I share you concern. That room was just essentially a ghost town this morning. Maybe 40 people. I don't know. 25. And we only saw 10 votes, 10 votes, 10 votes all the way down the line basically. But those 10 votes did indicate support. Can we count them as legitimate expressions of support, given the small turnout, and did we have a quorum this morning? Do we need a quorum? And I don't know how many people are online only.

My observation, so far this week in KL is this meeting on the whole and on the average is it's pretty sparsely populated. We cannot, I don't think, wait, just put everything on ice until Cancun just to see if we can get... Cancun's a nice draw, especially that time of year, especially for the Europeans. But yes, we're trying to expedite this. I think we're going to have to go with what we saw this morning. I wasn't real happy about it.

Actually, I was horrified that there was so few people in the room. That's a first for me. Usually, particularly a first session, is we're really packed. But I don't see that we can just kind of cool our heels for six months. The whole point is to get this thing out and get this thing wrapped up. It's embarrassing enough we've been



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going at it for five years now. So Nigel, you had a comment or...?  
Oh, I'm sorry.

EBERHARD LISSE: I'm not embarrassed by doing this for quite a while. We separated these two things, and we are doing good work, I think.

STEPHEN DEERHAKE: Oh, I'm not embarrassed about how long it's taking.

EBERHARD LISSE: Just think. I'm not embarrassed if it takes more time. And I fully agree with you. 10 is a bit few, but there was no objection. Remember, it's temperature in the room only. It's just feeling are we going in the right direction? If we are, then we would have... This will be put to the membership in [inaudible]. And while I don't disagree with telling you—with emailing, I didn't get the link with the poll right on the first attempt because I didn't read my mail properly. And I'll tell you a secret. He didn't get it right either.

So there is a lot of emails coming through and Bart sent us a document, which was actually for the wrong working group, and nobody objected other than Nigel. Nobody reads these things. So, obviously, on tech day, there were a hundred people in the room. That's something else. But there was a virtual meeting. The polling system, they were advised that there would be polling.

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Once I figured it out, wait a minute, I haven't corresponded with Bart about the [inaudible] poll, it's very simple, very easy. It works very well, and we did not get a single objection.

What I'm saying is at least—whether we're right is a separate issue, we're at least not wrong. So if we carry on, maybe we intensify our information on the list a little bit in some more catchy way. But I think the direction we're doing is right. If there had been a single objection or a comment, I would say, given the low number, this is significant. But we didn't have. So the temperature was cool. Yes, no drama. Nigel was [inaudible] I think.

NIGEL ROBERTS:

Well, Eberhard said in a long around about way roughly what I was going to say in a short way. I will say that I had very much the same reaction as Irina when I saw this. I wasn't able to participate in the poll. So I was one of the people who didn't vote. But it's really what we're looking for I think in this voting is not a tick box of everybody who's in support.

What we're looking for is people who have not beforehand made their views known and have a howl of protest for one reason or another. And what we've determined is that, at least as best we can, that there is none. That person or that ccTLD does not exist. We should continue to look for that because that's how test that

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we're on the right road. But at the moment, I think that was relatively successful, despite the poor and abysmal turnout.

STEPHEN DEERHAKE: Yes, I agree with you there. I did get the mail, and I was not in a position to bring stuff up because things are underway. I was behind the gun because I'm using the machine, which I'm not really familiar how to use because my Mac is on the fritz. Yes, it's analogous to sitting in a room and nobody puts up a yellow or red card, but very few people... There's a lot of abstentions, in theory, and I think that's the way to look at it but we had 10 yes, and 15 abstentions basically.

UNIDENTIFIED MALE: Yes. Maybe in this respect I had a question. What would be the next step? If we finalize our reports, it will go to the Council. And does Council taking account what the membership has done [inaudible]?

STEPHEN DEERHAKE: Council votes. Simple majority.

EBERHARD LISSE: Council votes. But then, there will be a formal membership vote.

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STEPHEN DEERHAKE: Absolutely.

UNIDENTIFIED MALE: And is that before or after public comment period?

STEPHEN DEERHAKE: The sequence is we got something that is, that's it. We got it. We hit the nail. From there, it goes into at least I believe a 40-day public comment period. And hopefully, we can get that underway before the end of November before the holiday season just comes in full force and shuts everything down. So that we'll go into early next year.

When that closes, then ICANN staff will look at the public comments received and categorize them and summarize them. And that will get circulated back to us. And depending on the comments, we may have to reopen and spend some time doodling around with maybe slightly different language on some topic or a couple topics. We won't know until the public comment period's done and then we come back.

UNIDENTIFIED MALE: I assume our aim is to have a vote in Cancun, or would it be...?  
Oh, an electronic vote. Okay.

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STEPHEN DEERHAKE: Yeah. Council then if we say we're done with it—and I wish Bart were here because he would correct me...

EBERHARD LISSE: Joke is here.

STEPHEN DEERHAKE: Joke. You can do it, right.

JOKE BRAEKEN: I need to look something up, but yeah, I definitely can come back to you in a minute. Thank you.

STEPHEN DEERHAKE: But eventually, Council gets it. It's a simple majority vote. And then, we get the test and I'll let Sean address this, the new supermajority procedures for this type of thing. Mr. Chair of the GRC, you are more versed. I know I put you on the spot. The old rules were completely onerous. We barely scraped the retirement policy through on that member vote. And I can't quite remember the structure of the new ones. Okay. Yes. To answer the question, it's a lower threshold will get it over the finish line with the membership vote than the old threshold, and there are two of them.

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UNIDENTIFIED MALE: But the idea behind my question, maybe I better explain, is do we expect that the vote will be before we are in Cancun, or will we think we will still have presentations in Cancun explaining what we will be doing, what we've done at that time?

STEPHEN DEERHAKE: I can't answer that question because really it's dependent on the feedback we get during the public comment period.

EBERHARD LISSE: So it's an electronic vote. So that means we'll have the presentation in Cancun, and then vote afterward. It's an electronic vote for the membership.

STEPHEN DEERHAKE: Is it? Yeah.

JOKE BRAEKEN: I'm just checking the timeline from the retirement vote. So, first the Council needs to adopt the proposed policy. And then, once Council has adopted this, there will be a final report. And that final report will then need to be adopted by Council. And then the vote goes to the members. Once the vote has closed, it's an online vote confirmed. The voting report will be submitted to Council. And that would be the step before the policy goes to the Board.

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STEPHEN DEERHAKE: And then, Council0 has to vote again to send it to the Board, correct?

JOKE BRAEKEN: Indeed.

STEPHEN DEERHAKE: Given all that, I think we'll be doing this again in Cancun, to answer your question.

EBERHARD LISSE: But that's a good thing as far as I'm concerned. We will be done with the deliberation. We just have to push it and market it and PR and [inaudible]. So then, we don't have to concentrate on content. We can just... No, once we are done with it, then it's final. We don't have to concentrate on the content anymore. We can just push the policy to the members.

STEPHEN DEERHAKE: If we're happy with it I guess the issue manager, which would be Bart, would step in at some point and do that. Yes, Irina.

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IRINA DANELIA: Yes, my long-term concern is that we will need to make members to vote.

STEPHEN DEERHAKE: Oh, we have to.

UNIDENTIFIED FEMALE: Just to reach the necessary threshold.

STEPHEN DEERHAKE: We do that throughout our campaign.

IRINA DANELIA: Yes, and the reason why they do not vote might be either they don't like the policy itself, which is low probability, or they just do not understand what it is about, and they are not aware. So we can work with the second to just explain what it is about, what it really says, and why it is important.

EBERHARD LISSE: Irina, the only important issue is the quorum. How many have to vote? They always vote. Approve it is just... On the retirement one, we're not concerned about getting it through. We're concerned do we have enough members voting? Yes? You can go to—we have almost 200 members, you will never reach all of



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them. And you can reach some that have still no clue and they'll vote on it or don't vote.

But we usually have very few objections to these policies. So I'm not saying we shouldn't market. Just the opposite, we should. But we shouldn't be too worried about them voting against it. This is policy for ccTLD managers, not against them. And we just need to make the quorum, which has been lowered. How much was it? It was two-thirds.

STEPHEN DEERHAKE: Well, it's more than meeting a quorum because it requires a supermajority.

EBERHARD LISSE: A supermajority of the ones who vote?

STEPHEN DEERHAKE: Yes, it's better than it was. The odds of actually getting something to the finish line has improved.

EBERHARD LISSE: Yes, but we never had many vote against it. So that's not my main concern. My main concern is that we get the quorum. And usually, when we make a policy for the ccTLD members that has gone to public comment on these things, we don't really see much vote

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against it I'm quite sure about that. But the important thing, I feel is, Stephen, we need to make the quorum, and we need to market this. We need to push this. We need to push it to the members to get the vote out.

STEPHEN DEERHAKE: Well, my guess is the way that at the snail's pace we've been historically moving, we may well get to Cancun and that's where we do the sales job. But there are two components, Eberhard. It's not just the quorum. It's also the super majority. We had the quorum nailed with the retirement. But the actual getting the super majority, it was close.

EBERHARD LISSE: What was the outcome again?

STEPHEN DEERHAKE: I can't remember off the top of my head.

EBERHARD LISSE: I was more concerned getting the quorum. Once we get the quorum, there isn't much going on anymore.

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STEPHEN DEERHAKE: But no, I agree. It's a marketing campaign basically. You're running an election basically here, yes.

JOKE BRAEKEN: Stephen, I'm having the vote report open. 100 ccNSO members out of 172 cast their votes. Total ballots, 107. Ballots counted excluding duplicates, 100. And voters who didn't vote were 72. So 94 voters supported Council's recommendation to adopt the policy on the retirement, and 6 voters did not support the recommendation.

STEPHEN DEERHAKE: Okay. I stand corrected. Thank you, Joke. It really is an emphasis on hitting the quorum.

EBERHARD LISSE: [inaudible]

STEPHEN DEERHAKE: Oh, it's much better.

EBERHARD LISSE: We won't go there. You must vote, but you must vote against it, just the opposite. But the important thing is to get the [inaudible] out of our members. And it's not just Cancun. It's also virtual. And

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what upset me today was that we had 25 people in the room, but we had how many, 50 on virtual.

And we still only got 10 people to participate in it. It's not so much... In the room, only the ones who could afford to come here. But we have a virtual system that works. I did Tech Day in Den Haag from home. It works. So there is no justifiable reason for a ccTLD manager not to be—other than they were asleep in Pacific time—there is no real reason for a ccTLD manager not to attend at least part of the meetings. And when they're aware there is a poll, do it or not.

STEPHEN DEERHAKE: Thank you, Eberhard. Any more comments and thoughts on this? My gut tells me that this is not going to get wrapped up before Cancun. So we have another six months or so to go I'm afraid.

EBERHARD LISSE: Yes, but we lock it down beforehand.

STEPHEN DEERHAKE: Oh, yes, absolutely. I want the public comment period out and about as quick as we can and get it out, look at the comments. If we have to adjust the text, we can adjust the text. If we don't, we can sit on it and not give it to the Council until closer to Cancun, for example. I don't know. We'll have to think. It's way out in the

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future. Any other thoughts or comments on this? All right. I think we can wrap this up. Any other business? I'm waiting for a [side bar] to end. Are you guys good?

EBERHARD LISSE: Can we put the discussion on the GAC thing under any other business for the next agenda, please?

STEPHEN DEERHAKE: Okay. Joke, can you make a note of that? Thank you. I'm not doing next meeting. We did that at our earlier meeting call. And I don't have that information in my head. And I don't have it available to me.

JOKE BRAEKEN: October 5th.

STEPHEN DEERHAKE: Oh, that's right. I know we discussed two dates but yes, so the next meeting's October 5th, virtual only obviously. And I think that's it, barring any other last-minute input. Bernie, do you have any parting words, or have you gone back to bed?

BERNARD TURCOTTE: Safe travels to everyone. Look forward to meeting.

STEPHEN DEERHAKE: Thank you, Bernie. I appreciate that. Say hi to the doggies. Okay.  
With that, this meeting is adjourned. Thank you, everybody.

JOKE BRAEKEN: Please stop the recording.

**[END OF TRANSCRIPTION]**