

AFRINIC 34 PUBLIC POLICY MEETING

9:00 - 13:00 UTC 17-18th NOVEMBER 2021

Name of Presenter:
Darwin Da Costa
Vincent Ngundi



AGENDA (DAY 1 17 Nov 2021)



9:10 - 9:15	Welcome, Introduction, Agenda Overview & Guidelines for Participating
9:15 - 9:35	The AFRINIC PDP & Building Consensus
9:35 - 9:50	Policy update from other RIRs
9:50 - 10:00	Policy Implementation Experience Report
10:00 - 10:10	Questions & Answers
10:10 - 10:20	TEA BREAK
10:20 - 11:10	PDP Working Group (WG) Guidelines and Procedures Policy Proposal - ID AFPUB-2020-GEN-002-DRAFT04
11:10 - 12:00	IPv4 Inter-RIR Resource Transfers Policy Proposal Comprehensive Scope -ID AFPUB-2019-IPv4-002-DRAFT07
12:00 -12:10	TEA BREAK
12:10 - 13:00	Public Information Policy Proposal- ID AFPUB-2021-GEN-001-DRAFT02
13:00	Closing Remarks for Day 1



GUIDELINES FOR PARTICIPATING

AFRINIC Code of Conduct



- As a participant in AFRINIC Public Policy Meetings, you are expected to:
 - Behave professionally and respectfully at all times.
 - Act in the best interests of the AFRINIC community at all times.
 - Respect the agenda: Please keep your remarks on-topic for the relevant part of the meeting.
- ***Harassment, intimidation or offensive behavior will not be tolerated.***



How to Participate in the PPM

- Question Time will be opened to allow questions from participants.
- Please use the Q&A Window on Meetecho conference platform.
- For those following the PPM on Facebook and YouTube, your questions will be monitored and copied to the Q&A Window of the Meetecho conference platform.
- You may also subscribe to rpd@afrinic.net and make your contributions to the policy discussions.
- Consult the RPD archives to acquaint with the discussions on policy proposals.

How to Participate in the PPM



When given the floor:

- **Introduce yourself:** State your Name & Affiliation clearly.
- Respect the timekeeping & keep your remarks reasonably short.
- Respect language differences, translators, and remote participants.
- Please speak slowly and clearly.
- If you are opposing or supporting any policy you must give an **objective reason** bearing in mind the AFRINIC Code of Conduct.
- If microphones are closed before you have had a chance to speak, post your message on the RPD mailing which will be monitored throughout.



AFRINIC PDP & Building consensus





POLICY DEVELOPMENT PROCESS (PDP)

AFRINIC Internet Number Resource Policies



Internet Number Resources Management Policies:

- Guidelines by which AFRINIC manages Internet number resources.
- Guidelines for the services offered by AFRINIC around these resources.
- Developed by the AFRINIC Internet Community (PDWG).
- Developed through the AFRINIC Policy Development Process (PDP).

The Policy Development Working Group



The Policy Development Working Group (PDWG) is:

- Composed of anyone that is involved in discussing a policy proposal (African Internet Community).
- Chaired by 2 Co-Chairs (Volunteers).
- Current PDWG Co-Chairs:
 - Vincent Ngundi (Kenya)
 - Darwin Da Costa (Angola)
- Supported by AFRINIC through the Policy Liaison Team (secretariat duties).

Roles of the PDP Co-Chairs

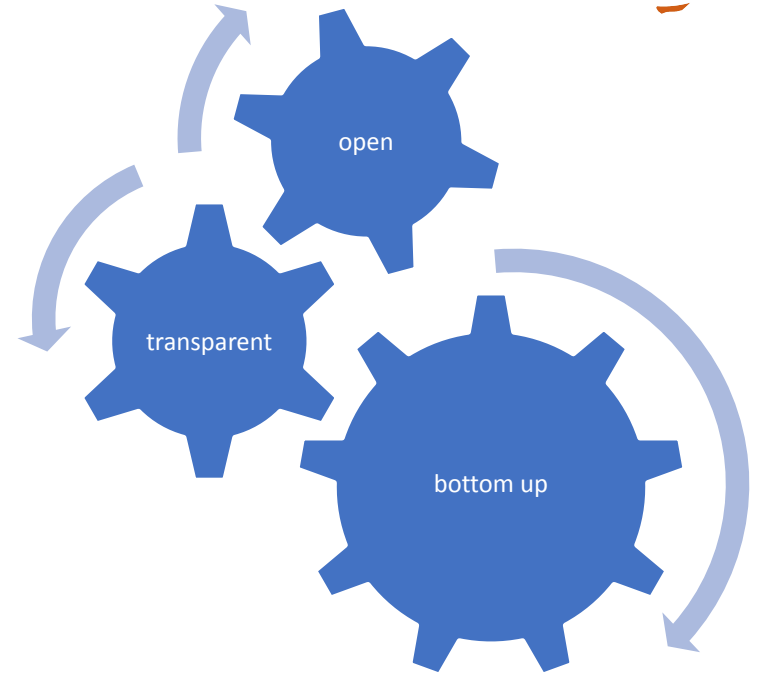


- Moderate discussion in the RPD mailing list.
- Determining whether there is rough consensus during open public policy proposal discussions.
- Initiation and termination of the final review of proposals (Last Call).
- Sending a report on the outcomes of policy proposal discussions at public policy meetings to the AFRINIC Board of Directors.
- Publishing minutes of the proceedings of public policy meetings.

Policy Development Process



---The set of steps by which the African Internet community proposes, deliberates and adopts the policies that guide the use of Internet number resources in the AFRINIC service region---



Policy Development Process



- The PDP is a documented policy (CPM 3.0), also subject to change.
- Procedures in the PDP are designed to be fair, open, objective.
 - Provide ample opportunity for participation by any interested party.
 - Decisions are based on “*rough consensus*”.
- Changes to the PDP must follow the PDP.
- Implemented policies can evolve to adapt to new situations that prevail.

The PDP Principles



Openness

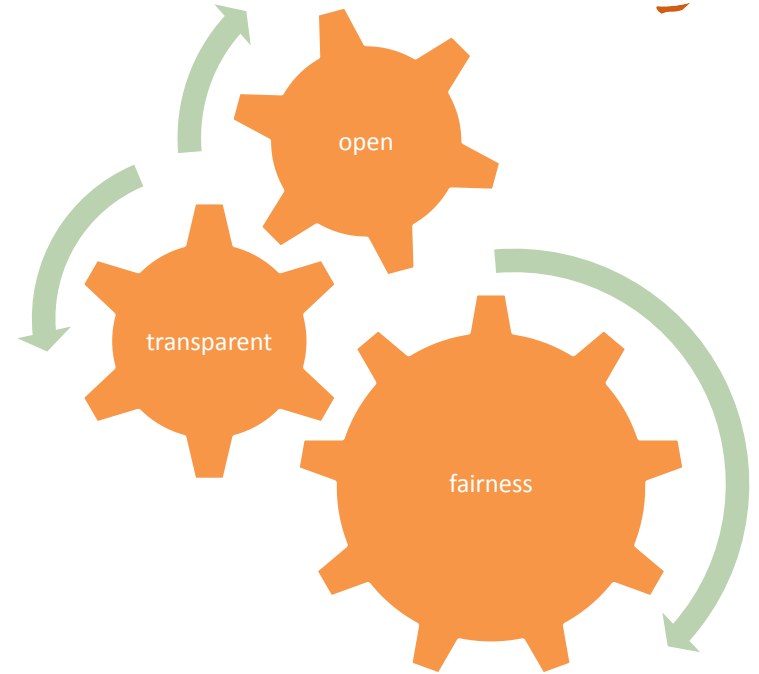
- Policy development happens in an open forum.
- Anyone can participate.

Transparency

- Everything documented, publicly available (RPD archives & website).

Fairness

- Goal of all discussions is to ensure fair distribution of resources.



The PDP Simplified



AFRINIC Consolidated Policy Manual



All ratified policies are documented in the AFRINIC Policy manual

<https://www.afrinic.net/policy/manual>

The manual is updated once new policies are ratified and implemented



BUILDING & DETERMINING CONSENSUS

Building & Determining Consensus



Section 3.0 of the CPM

- The objective of the PDP is to:
 - Provide ample opportunity for participation and comment by all interested parties;
 - Establish widespread Internet community **consensus**.

Section 3.4.2 of the CPM

- The Chair(s) determine(s) whether **rough consensus** has been achieved during the Public Policy Meeting.

Building & Determining Consensus



- **RFC 7282** (On Consensus and Humming in the IETF)
 - A guide to building & determining consensus
 - Developed for the IETF, an environment similar to ours
- **Moderation of Policy Proposal Discussions**
 - Identify **objections & contentious issues** regarding the policy proposal
 - **Track open issues** yet to be addressed by the Author(s) and participants
- **Building Consensus**
 - Direct the PDWG towards the **areas that are contentious**
 - Encourage participants to **focus** and **seek consensus** on such areas
 - Ensure that concerns raised through the AfriNIC **impact assessment** are addressed

Building & Determining Consensus



- **Determining Consensus**

- Objective is to always aim for **rough consensus**, if not consensus
- Rough consensus is **not** built/determined through a VOTING mechanism
- Rather by ensuring that **all objections/concerns are adequately addressed**
- Look/seek consensus **throughout** the process (*for each contentious issue*)
- **No VOTING mechanism** applied at any point in time (*avoid “vote stuffing”*)

- 100 people for and 5 people against **might** not be rough consensus
*If a **minority** of participants have a **valid objection**, that objection must be dealt with before rough consensus can be declared*

- 5 people for and 100 people against **might** still be rough consensus
*As long as there are no **valid objections** that have not been addressed*

Building & Determining Consensus



Moderate Policy Proposal Discussions

Identify objections/contentious issues

Track open issues that are yet to be addressed

Build Consensus

Direct PDWG towards open issues

Encourage PDWG to focus & seek solutions to these issues

Leverage on impact assessment to address open issues

Determine Consensus

Focus is to ensure that all open issues have been addressed

Looks/seek consensus throughout the process

No voting (to avoid vote stuffing)

100 people for & 5 against **might not be** rough consensus

5 people for & 100 against **might be** rough consensus



POLICY UPDATE FROM OTHER RIRS



POLICY IMPLEMENTATION EXPERIENCE REPORT



AFRINIC 34 PPM

POLICY PROPOSALS

Policy Proposals for AFRINIC-34 Public Policy Meeting



1. PDP Working Group (WG) Guidelines and Procedures Policy Proposal - ID
AFPUB-2020-GEN-002-DRAFT04
2. IPv4 Inter-RIR Resource Transfers Policy Proposal Comprehensive Scope -ID
AFPUB-2019-IPv4-002-DRAFT07
3. Publication of Information - ID AFPUB-2021-GEN-001-DRAFT02
4. Update of PDP - ID AFPUB-2021-GEN-002-DRAFT02
5. Policy Compliance Dashboard - ID AFPUB-2021-GEN-003-DRAFT02
6. AFRINIC Number Resources Transfer Policy - ID AFPUB-2020-GEN-006-DRAFT02



Flow of the Discussions

Presentation of the policy proposal by Author	8 minutes
Presentation of Staff Impact Assessment by Secretariat	2 minutes
Presentation on contentious areas by the Co-Chairs	5 minutes
Open Mic Discussions by the PDWG + Q&A comments/questions	20 minutes
Response by the Authors	10 minutes
Announcement of the decision of the Co-Chairs	5 minutes



**PDP Working Group (WG) Guidelines and Procedures Policy
Proposal - ID AFPUB-2020-GEN-002-DRAFT04**

PDP Working Group (WG) Guidelines and Procedures Policy Proposal - ID AFPUB-2020-GEN-002-DRAFT04



Submitted to rpd mailing list on 10 Nov 2021

Authors : Noah Maina & Alain Aina

We now hand over the microphone firstly to the authors so that they may present the proposal & then the AFRINIC Secretariat will present the impact assessment.



PDP Working Group (WG) Guidelines and Procedures Policy Proposal - ID AFPUB-2020-GEN-002-DRAFT04

Objections/Concerns on Draft-04 (source - rpd mailing lists)	Addressed/ Pending	Notes
<p>the proposition that the CEO serves as the arbiter of acceptable speech is untenable, moreover the entire approach of the section is badly framed and crafted:</p> <p>It speaks of an "appeal" to the CEO and then speaks of "complainers". This is badly ambiguous and unworkable. If a person is alleged to violate the code of conduct somebody complains (who logically can be referred to as the complainer, but should be called a complainant) to the co-chairs. The co-chairs then consider the complaint and make a decision (which decision is taken without affording audi to the person who against whom the complaint is made) which if adverse against a person results in posting rights suspension. That person (who could be called an appellant) can appeal to the CEO but is he now complaining (a complainer) about the co-chairs. What of the situation where the co-chairs decline to act? Do the original complainers have a right to go to the CEO?</p> <p>This problem is all the more severe if the CEO is engaged in discussions on the group and is the complainant alleging conduct violations</p>	Pending	



PDP Working Group (WG) Guidelines and Procedures Policy Proposal - ID AFPUB-2020-GEN-002-DRAFT04

Objections/Concerns on Draft-04 (source - rpd mailing lists)	Addressed/ Pending	Notes
<p>a clause in section 3.3.3 as stated below states that a candidate for the co-chair position must have attended At Least one meeting in person over three years to qualify for this position.</p> <p>In the era of Covid it is possible that in person meeting might not come back or might take a few more years. If this policy gets ratified as it is. It disqualifies everybody from contesting for this position.</p>	Pending	
<p>In 3.3.3, there is a voting process that doesn't involve the entire WG stipulated.</p> <p>I Think it is awkward at least that a voting process is proposed but the entire community is not allowed to exercise their franchise as community members.</p>	Pending	



PDP Working Group (WG) Guidelines and Procedures Policy Proposal - ID AFPUB-2020-GEN-002-DRAFT04

Objections/Concerns on Draft-04 (source - rpd mailing lists)	Addressed/ Pending	Notes
In 3.3.3, Since the co-chair selection process is to take place in meeting, In the event that one nomination is received, with the CEO leading the consensus process to determine the next co-chair and there is lack of consensus, there is no stated guideline as to who chairs that current ongoing PPM.	Pending	
In regard to section 3.3.8, Community members invest time and money to attend meetings virtually or physically. I do not think it is best to have a clause that can possibly adjourn a meeting that travels, permission from work, preparation for event must have taken place by community members.	Pending	

PDP Working Group (WG) Guidelines and Procedures Policy Proposal - ID AFPUB-2020-GEN-002-DRAFT04



The following have been taken from the impact assessment that have been published on the website <https://afrinic.net/policy/proposals/2020-gen-002-d4#impact>

. For more clarity, we encourage the PDWG and authors to review the published document on the website.

- a) The first paragraph of the proposed policy reads as follows – “*The Policy Development working group (PDWG) provides an open public forum to discuss Internet number resources policies and related topics of interests to AFRINIC and the Internet community in the AFRINIC service region*”.

The PDP is an emanation of the section 11.3 of the AFRINIC bylaws which provides that:

“For the purpose of subsection 11.2 a Public Policy Meeting means a meeting open to the community wherein proposals for policies for a proper and responsible usage and Management of Internet number resources are discussed and agreed within the framework of the Policy Development Process (PDP) defined by the Regional Internet community and ratified by the Board.”

As such, the policy as styled is vague inasmuch as the mandate of the PDWG is limited to propositions and discussions of policies pertaining to IP number resources management. Any other discussion, *albeit* related to AFRINIC is thus inadmissible.

PDP Working Group (WG) Guidelines and Procedures Policy Proposal - ID AFPUB-2020-GEN-002-DRAFT04



b) Under paragraph 3.3.3 of the proposed policy (5th paragraph), reference is made to – “*Any natural person residing in a country from the AFRINIC service region is allowed to volunteer*”.

It is relevant to recall that section 11.3 of the bylaws provides as follows:

“For the purpose of subsection 11.2 a Public Policy Meeting means a meeting open to the community wherein proposals for policies for a proper and responsible usage and Management of Internet number resources are discussed and agreed within the framework of the Policy Development Process (PDP) defined by the Regional Internet community and ratified by the Board.”

However, it is also acknowledged that notwithstanding the provisions of section 11.3 of the bylaws, i.e. for AFRINIC to have a Regional Internet community, it is an acceptable practice at AFRINIC to allow persons not necessarily residing with the AFRINIC service region to subscribe and participate in its PDWG. Hence, refraining persons not residing in the AFRINIC service region from being appointed as PDWG’s co-chairs would be unfair in these circumstances.

If the intention of the authors is that the PDWG should be owned and controlled by persons residing within the AFRINIC service region, then the mischief should be addressed at source, thus giving full effect to the provision of section 11.3 of the bylaws so that only person residing within the AFRINIC service region be entitled to subscribe and participate in the PDWG and all others may appear as observers only.

PDP Working Group (WG) Guidelines and Procedures Policy Proposal - ID AFPUB-2020-GEN-002-DRAFT04



c) Under paragraph 3.3.3 of the proposed policy (10th paragraph), reference is made to “*If no consensus can be reached and more than one candidate is being evaluated, then an online secret ballot to appoint the new co-chair will be held within two weeks after the PPM. The secret ballot shall be opened to past PDPWG co-chairs, past board of directors chairs, and past CEOs who completed at least one term and have not been recalled.*”

There is no legal rationale that for the purpose of finding consensus, it is the working group that decides but in case of an election, the decision-makers are persons excluding the same working group. There is no logic in having 2 separate pools of decision-makers on the same issue of selecting the PDWG’s co-chairs. The authors are recommended to review this aspect of their proposition.

PDP Working Group (WG) Guidelines and Procedures Policy Proposal - ID AFPUB-2020-GEN-002-DRAFT04



d)
Under 3.3.10 of the proposed policy, reference is made for an appeal to be heard by the Chief Executive Officer. It is added that section 3.5 of the CPM already provides for an appeal against the decision or action committed by the co-chairs. Hence, the current proposal has the effect of making the CEO sits as an alternate appeal venue to the existing Appeal Committee. It is simply a duplicity to the existing structure. Besides, even if there was any legal soundness to that proposal (at least for the sake of argument) but as previously raised in the case of the board chair, it should not be forgotten that the CEO is a member of the board so that imposing any additional responsibility to that function can only be done in consultation with the board of directors.



PDP Working Group (WG) Guidelines and Procedures Policy Proposal - ID AFPUB-2020-GEN-002-DRAFT04

Open Mic Discussions by the PDWG + Q&A comments/questions

Response by the Authors

Announcement of the decision of the Co-Chairs



**IPv4 Inter-RIR Resource Transfers Policy Proposal
Comprehensive Scope -ID AFPUB-2019-IPv4-002-DRAFT07(work
in progress)**

IPv4 Inter-RIR Resource Transfers Policy Proposal Comprehensive Scope -ID AFPUB-2019-IPv4-002-DRAFT07



Submitted to rpd mailing list on 9 Nov 2021

Author : Jordi Palet Martinez

We now hand over the microphone firstly to the authors so that they may present the proposal & then the AFRINIC Secretariat will present the impact assessment

IPv4 Inter-RIR Resource Transfers Policy Proposal Comprehensive Scope -ID AFPUB-2019-IPv4-002-DRAFT07



There have been discussions on the rpd mailing list on this version of the proposal & summary of objections is as follows:-

Objections/Concerns on Draft-07 (source - rpd mailing lists)	Addressed/Pending	Notes
<p>Suggest the period of time to be modified in the sections 5.7.2.2 and 5.7.2.3 from 16 months to 18 or 24 months</p> <p>I do not favor coming to consensus on a policy with a silly clock with a plan to amend the clock later. I think we should come to consensus on a complete policy including timing. I propose 24 months, but I would find 12 or 18 months acceptable.</p> <p>I think 8 months is a rather silly timeline as well.</p> <p>I call it as I see it. It's a very arbitrary number with no rationale. That's pretty much the definition of "silly".</p> <p>I disagree that the lockout/hold-down times are not a matter for objecting to the policy. If the community can't come to consensus on the timing, then you don't have consensus on the policy since the timing is part of the policy proposal.</p>	Pending	<p>https://lists.afrinic.net/pipermail/rpd/2021/013899.html</p> <p>https://lists.afrinic.net/pipermail/rpd/2021/013901.html</p>

IPv4 Inter-RIR Resource Transfers Policy Proposal Comprehensive Scope -ID AFPUB-2019-IPv4-002-DRAFT07



Objections/Concerns on Draft-07 (source - rpd mailing lists)	Addressed/Pending	Notes
<p>... I object to the policy so long as it contains the provision in the section 5.7.5, unless it is modified as follow:</p> <p>The section 5.7.5 to be:</p> <p>AFRINIC may deny a registrant as the source of a transfer only if one or more of the following applies:</p> <ol style="list-style-type: none">1. Clear evidence that the resources were fraudulently obtained.2. Registrant is not current on their AFRINIC fees.3. There is some question or dispute as to whether registrant is the resource holder of record.4. There is an unresolved third-party claim to the registration. <p>If one of the above does not apply, then AFRINIC must approve the registrant as source of the transfer and proceed unless there is a problem with the recipient.</p>	Pending	<p>https://lists.afrinic.net/pipermail/rpd/2021/013899.html</p> <p>https://lists.afrinic.net/pipermail/rpd/2021/013901.html</p>

IPv4 Inter-RIR Resource Transfers Policy Proposal Comprehensive Scope -ID AFPUB-2019-IPv4-002-DRAFT07



Objections/Concerns on Draft-07 (source - rpd mailing lists)	Addressed/Pending	Notes
...If the African market is already in shortage, then why is there still a free pool? If there is a shortage, then bad policy is protecting the free pool from being issued to legitimate needs.	Pending	https://lists.afrinic.net/pipermail/rpd/2021/013915.html
... Honestly this seems like a lot of steps just to transfer resources from one RIR to another. Since the region currently does not have one, you'd think this would solve problems but instead this allows for greater AFRINIC interference in a supposedly interference-free transfer. This is still not addressed. Additionally, the staff themselves has pointed out glaring vague and open-ended definitions that should also be addressed. I would definitely support a policy that has less "interference" with RIR than the current one.	Pending	https://lists.afrinic.net/pipermail/rpd/2021/013933.html

IPv4 Inter-RIR Resource Transfers Policy Proposal Comprehensive Scope -ID AFPUB-2019-IPv4-002-DRAFT07



The following have been taken from the impact assessment that have been published on the website
<https://afrinic.net/policy/proposals/2019-ipv4-002-d7#impact>

Financial impact is negative and high

For more clarity, we encourage the PDWG and authors to review the published document

a- Coming back to the present proposed policy, the author aims at establishing the mechanism to allow transfers of IPv4 resources to/from other regions and to align AFRINIC with a market that purportedly already exists and in which, according to the author, AFRINIC is lagging.

IPv4 Inter-RIR Resource Transfers Policy Proposal Comprehensive Scope

-ID AFPUB-2019-IPv4-002-DRAFT07



B- The decision of allowing, or not, inter-RIR transfers of IPv4 resources from and to the AFRINIC region is not strictly a legal one. In fact, it is purely and simply a business decision to be taken judiciously and prudently both by the PDWG and the Board of Directors having regard to the directors' duties provided in the Companies Act, i.e. to act in the best interests of the company. Acting in the best interests of the company in this context means considering the real financial impact of such policy for AFRINIC so that the sustainability and business continuity of AFRINIC, both as a company and RIR, is not compromised.

C- Further, it is observed that the scope of the proposed policy is not limited to non-legacy IPv4 resources, but also extends to legacy resources. Therefore, it is important to highlight that, as a matter of law, legacy resource holders existing within the AFRINIC's service region are not contractually bound by AFRINIC's adopted policies such that these policies have no direct effect on legacy resource holders, and it is up to those legacy-holders to adhere to AFRINIC's policies. Thus, the author must bear in mind that obligations impacting legacy resource holders may not necessarily achieve the intended results if the legacy resource holders refuse to opt for voluntary registration with AFRINIC.

IPv4 Inter-RIR Resource Transfers Policy Proposal Comprehensive Scope -ID AFPUB-2019-IPv4-002-DRAFT07



D- The other question arising relates to outbound transfers of resources. It is understood that the intended transfers will be channelled through AFRINIC. Therefore, other than simply setting out the conditions for transfers, AFRINIC's role in the whole process must also be adequately defined. In this respect, it is unclear as to whether AFRINIC's role in the process would be limited to facilitating the administrative aspect of the intended transfers only with or without such legal responsibilities attached thereto, more so that AFRINIC will be relying on representation made to it when attending to similar requests. To address this issue, it is proposed that the burden of conducting such adequate due diligence be placed on both the source holder and the intended recipient, and that AFRINIC's role should be limited to acting as a facilitator only without bearing any legal responsibility whatsoever in that process.

E- Moreover, while it is observed that legacy resources will lose their status upon being registered with AFRINIC (viz inbound transfers), it is not clear as to whether the receiving party will be required to sign an RSA with AFRINIC. Although one may presume that this is the intent of the author, yet it is imperative that same be clarified as well as whether AFRINIC will still be able to execute its RSA with the obvious risk of the concerned IP number resources being reclaimed by AFRINIC in case of a subsequent breach of the RSA, despite that the recipient organisation would have most probably paid good consideration (financial value) for such transfers.

IPv4 Inter-RIR Resource Transfers Policy Proposal Comprehensive Scope -ID AFPUB-2019-IPv4-002-DRAFT07



Open Mic Discussions by the PDWG + Q&A comments/questions

Response by the Authors

Announcement of the decision of the Co-Chairs



**Publication of information Policy Proposal - ID
AFPUB-2021-GEN-001-DRAFT02**

Publication of information Policy Proposal - ID AFPUB-2021-GEN-001-DRAFT02



Submitted on 9 Nov 2021

Author : Jordi Palet Martinez

We now hand over the microphone firstly to the authors so that they may present the proposal & then the AFRINIC Secretariat will present the impact assessment

Publication of information Policy Proposal - ID AFPUB-2021-GEN-001-DRAFT02



There have been discussions on the rpd mailing list on this version of the proposal.

Pending/Unaddressed concerns are as follows :-

Objections on Draft-02	Addressed/Pending	Notes
Forcing members to come forward with their business when AFRINIC is just there to manage resources and not act with authority is not promoting openness and transparency within the Community."	Pending	
Why is there a need to publish this justification? I believe only resources in dispute should be published, and this must only be invoked by a court order. Risks of implementing this include copycat justification and witch-hunting from the competition.	Addressed <input type="checkbox"/>	https://lists.afrinic.net/pipermail/rpd/2021/013985.html
Does giving 1 month to provide alternative text give room to provide a different justification, or to revalidate existing justification? How does the additional one year change the privacy status of the business blueprint?	Addressed	https://lists.afrinic.net/pipermail/rpd/2021/013985.html

Publication of information Policy Proposal - ID AFPUB-2021-GEN-001-DRAFT02



The following have been taken from the impact assessment that have been published on the website <https://afrinic.net/policy/proposals/2021-gen-001-d2#impact>

For more clarity, we encourage the PDWG and authors to review the published document on the website.

It is apposite to state that all information exchanged between AFRINIC and an applicant (resource member) either prior or during the tenure of the RSA fall under the regime of confidentiality at common law such that AFRINIC cannot, without the express consent of the concerned resource member or pursuant to a Judge's Order, disclose this information to third parties. In fact, this is not something that can unilaterally be imposed on individual resource members by AFRINIC through the latter's PDP framework. Accordingly, there is no legal soundness to this proposal.

The attention of the PDWG and Author is drawn to Section 4(d) of the Registration Services Agreement "AFRINIC will comply with all applicable data protection and privacy laws of the Republic of Mauritius in its handling of data and information submitted to it by the Applicant in furtherance of an application for services and use thereof." The proposal as written exposes AFRINIC to a potential breach of section 4d of the Registration Services Agreement, should it be driven by the proposal to publish a public summary in the case where no feedback or consent is received from the member within 30 days

Thank you
for your
attention!



9:00 - 13:00 UTC
15-18th NOVEMBER 2021

AFRINIC-34 Website:

<https://meeting.afrinic.net/afrinic-34>

Contact us: meeting@afrinic.net

ORGANISER





End of sessions PPM Day1