

# AFRINIC 34 PUBLIC POLICY MEETING

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

**Name of Presenter:**  
**Darwin Da Costa**  
**Vincent Ngundi**



# AGENDA (DAY 2 18 Nov 2021)



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|----------------------|--|
| <b>9:00 - 9:50</b>   | Update of PDP -AFPUB-2021-GEN-002-DRAFT02                                |
| <b>9:50 - 10:40</b>  | Policy Compliance Dashboard -AFPUB-2021-GEN-003-DRAFT02                  |
| <b>10:40 -10:50</b>  | TEA BREAK  |
| <b>10:50 -11:40</b>  | AFRINIC Number Resources Transfer Policy -<br>AFPUB-2020-GEN-006-DRAFT02 |
| <b>11:40 -12:10</b>  | Open microphone  |
| <b>12:10-12:20</b>   | TEA BREAK  |
| <b>12:20 - 12:55</b> | Open microphone  |
| <b>12:55 - 13h00</b> | Closing Remarks for Day 2  |



# **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 in case you have any questions for the presenter.**
- 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](mailto: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.

# Policy Proposals for AFRINIC-34 PPM - Day 2



1. Update of PDP - ID AFPUB-2021-GEN-002-DRAFT02
2. Policy Compliance Dashboard - ID  
AFPUB-2021-GEN-003-DRAFT02
3. 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  |





# Update of PDP (Draft-2)

## AFPUB-2021-GEN-002-DRAFT02

Submitted to rpd mailing list on 9 Nov 2021

Authors : [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.

# Update of PDP (Draft-2), AFPUB-2021-GEN-002-DRAFT02



Some discussions on the rpd list

| <b>Objections/Concerns on Draft-04 (source - rpd mailing lists)</b>  | <b>Addressed/<br/>Pending</b> | <b>Notes</b> |
|--|-------------------------------|--------------|
| <p>First, in general the newly proposed version I feel is a longer version of the current version. There is no major modification made here. They are both the same thing just that one is more written out making the other look like a short summary but they both have the same meaning. Similarly, what's the essence of the additionally 1 week at the end of the last call, in retrospect it means that the length of the last call is 3 weeks instead of 2weeks in which every of the pure editorial comments, and other modifications are made. There is no need for the extra 1 week.</p> | Addressed                     |              |

# Update of PDP (Draft-2), AFPUB-2021-GEN-002-DRAFT02



| <b>Objections/Concerns on Draft-04 (source - rpd mailing lists)</b>   | <b>Addressed/<br/>Pending</b> | <b>Notes</b> |
|---|-------------------------------|--------------|
| <p>3.4.2 Public Policy Meeting and Consensus Determination; the reduction of the announcement of the meeting agenda on the RPD List from 2 weeks to 1 week makes no sense cause it does not give the RPD enough time for discussion and less time to get a better grasp of the meeting’s agenda. In the current version, it states that “no change can be made to the draft policy within one week of the meeting...” but good enough, there is two weeks. The proposed version states the same thing but it only gives a one week provision.</p> | Pending                       |              |

# Update of PDP (Draft-2), AFPUB-2021-GEN-002-DRAFT02



| <b>Objections/Concerns on Draft-04 (source - rpd mailing lists)</b>  | <b>Addressed/<br/>Pending</b> | <b>Notes</b>              |
|--|-------------------------------|---------------------------|
| there is no necessity for the 3.4.5 Additional Functions of the AFRINIC Board of Directors. Cause it would be an additional work to both the community and the Board plus giving the board the opportunity to define or make temporary policy change which would last till next PPM might create an issue from it was created to the next PPM. | Pending                       | Legal assessment on 3.4.5 |



## **Update of PDP (Draft-2), AFPUB-2021-GEN-002-DRAFT02**

**Taken from Impact Assessment published on AFRINIC website**

### **AFRINIC Secretariat Duties**

There is no limit to the number of proposals that can be put on an AFRINIC PPM agenda. Impact Assessments are comprehensively prepared and require the contributions of internal stakeholders.

The timing of these assessments to be prepared and published 1 week of the PPM needs to take into consideration the number of proposals on the agenda and the fact that updated versions of the proposal are also submitted by authors closer to the PPM

## Update of PDP (Draft-2), AFPUB-2021-GEN-002-DRAFT02



Under paragraph 3.4.2 of the proposal, reference is made as follows – “*Once the minimum 8 weeks of discussion in the list and a presentation at the PPM ... are met, the Chairs have a maximum of **2 weeks to determine whether rough consensus** has been achieved”.*

Section 11.3 of the bylaws clearly states that proposals for policies are discussed and agreed during the Public Policy Meeting. Therefore, declaration of rough consensus (or not) must be made during the PPM itself.

Any proposal allowing rough consensus to be declared outside the scope and ambit of the PPM is simply not consistent with section 11.3 of the bylaws. Having said that editorial changes can be made during the Last Call before a final declaration is made by the Co-Chairs.

# Update of PDP (Draft-2), AFPUB-2021-GEN-002-DRAFT02



Under paragraph 3.4.3 of the proposal, reference is made as follows – “***A final discussion of the DPP is initiated by the Working Group Chairs by sending an announcement to the RPD List***”. Furthermore, reference is also made as follows – “***The purpose of the Last call is to provide the community with a brief and final opportunity to comment on the DPP, especially those who didn’t earlier.***”

These amendments are clearly inconsistent with section 11.3 of the bylaws for the reason stated above.

For obvious reasons, Last-Call must to be restricted to changes to policy that are purely editorial and non-substantial in nature.

Allowing further discussions on the merits of policy proposal during the Last-Call is not only irrational but unfair to those participants who attended and participated at AFRINIC Public Policy Meeting, be it in person or virtually. Hence, allowing further discussions on the merits to be held on the mailing lists post the PPM is too risky as it may only allow a consensus (or non-consensus) prevailing during the PPM to be overturned by discussions occurring on the RPD mailing post the PPM.

## Update of PDP (Draft-2), AFPUB-2021-GEN-002-DRAFT02



As regard paragraph 3.4.5 of the proposal, the proposal, as styled, is inconsistent with sections 11.3, 11.4 and 11.5 of the bylaws. It is apposite to recall that section 11.4 of the bylaws already caters for the adoption of policies regarding the management of internet number resources where it considers that the same is necessary and urgent; and section 11.5 of the bylaws provides for the endorsement (i.e. approval) of the adopted policy by the community. Therefore, the question of the board of directors introducing its own adopted policy to the community by way of a DPP is questionable. In practice, and if section 11.4 is eventually triggered, the Chairperson of the board of directors would be required to submit a brief to the community at the next PPM substantiating the actions taken by the board of directors so that the said action may be endorsed by the community.



# Update of PDP (Draft-2), AFPUB-2021-GEN-002-DRAFT02



- Open Mic Discussions by the PDWG + Q&A comments/questions
- Response by the Authors
- Announcement of the decision of the Co-Chairs

# Policy Compliance Dashboard (Draft-2)



## AFPUB-2021-GEN-003-DRAFT02

Submitted to rpd mailing list on 04 November 2021

Authors :

- Jordi Palet Martinez
- Frank Habicht
- Mark Elkins
- Haitham El Nakhal



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.

# Policy Compliance Dashboard (Draft-2)

## AFPUB-2021-GEN-003-DRAFT02



| <b>Objections/Concerns from RPD</b>  | <b>Status</b> | <b>Notes</b>   |
|--|---------------|--|
| <p><a href="https://lists.afrinic.net/pipermail/rpd/2021/013903.html">https://lists.afrinic.net/pipermail/rpd/2021/013903.html</a> -</p> <p>With regards to the proposal I'm questioning the need for the implementation of a dashboard to monitor resource members as there is already an assessment from the RSA. This seems to be quite intrusive on the privacy of resource members. There are more ways to promote transparency and openness within the community without compromising any sensitive information.</p> | Addresses     | <p><a href="https://lists.afrinic.net/pipermail/rpd/2021/013906.html">https://lists.afrinic.net/pipermail/rpd/2021/013906.html</a></p> |

# Policy Compliance Dashboard (Draft-2)

## AFPUB-2021-GEN-003-DRAFT02



| Objections/Concerns from RPD  | Status    | Notes  |
|---|-----------|--|
| <p><a href="https://lists.afrinic.net/pipermail/rpd/2021/013977.html">https://lists.afrinic.net/pipermail/rpd/2021/013977.html</a></p> <p>I propose the following slight alteration to sub-article 5:<br/>Contractual non-compliance, such as unauthorized transfers, lack of payment or document fraud, once investigated and confirmed, may cause the revocation of the services and member closure in accordance with the RSA.</p> <p>In determining whether to revoke services the Board shall after afford a fair hearing and consider all relevant circumstances in good faith, including whether the revocation is in the best interests of the members of the organization.</p> | Addressed | <p><a href="https://lists.afrinic.net/pipermail/rpd/2021/013988.html">https://lists.afrinic.net/pipermail/rpd/2021/013988.html</a></p> |
| <p><a href="https://lists.afrinic.net/pipermail/rpd/2021/013990.html">https://lists.afrinic.net/pipermail/rpd/2021/013990.html</a></p> <p>Please also just confirm: My understanding is that this is based on data that AFRINIC already has, and no additional data will be required by AFRINIC from members.</p>   | Addressed | <p><a href="https://lists.afrinic.net/pipermail/rpd/2021/013992.html">https://lists.afrinic.net/pipermail/rpd/2021/013992.html</a></p> |

# Policy Compliance Dashboard (Draft-2)

## AFPUB-2021-GEN-003-DRAFT02



The following are from Impact assessment...

The proposal as written Encroaches on the internal management and operations of AFRINIC insofar as contract management of the Registration Service Agreement (RSA) is concerned.

ii) The fact that AFRINIC will only be able to execute the provisions of the RSA upon "3 confirmed violations" during a 12 months' time frame makes it impractical and unrealistic inasmuch as breach(es) committed by resource members will differ from organisation to organisation. It is difficult to envisage how this proposal is workable in practice.

# Policy Compliance Dashboard (Draft-2)

## AFPUB-2021-GEN-003-DRAFT02



The following are from Impact assessment...

Further, by the time that a resource member ends-up being persistently non-compliant, it is highly probable that the RSA which has an initial tenure of one calendar year would have automatically been renewed for another calendar year such that the identified breaches would then become 'caduc'. Consequently, any identified breach(es) of the RSA on the part of the resource member would be deemed to have been regularised by the mere fact that the RSA has been renewed.

In the circumstances, it is recommended that the scope of this policy proposal be reviewed by the authors so that it is limited to the creation of a policy compliance dashboard in order for both parties (i.e. AFRINIC and the resource member) to have a better visibility of the member's compliance; and that the issue of contract management be left to AFRINIC's board of directors acting through its management.

# Policy Compliance Dashboard (Draft-2)

AFPUB-2021-GEN-003-DRAFT02



- Open Mic Discussions by the PDWG + Q&A comments/questions
- Response by the Authors
- Announcement of the decision of the Co-Chairs

# AFRINIC Number Resources Transfer Policy (Draft-2)



## AFPUB-2020-GEN-006-DRAFT02

Submitted to rpd mailing list on 8 October 2021

Authors : Gregoire Olaotan Ehoumi,  
Noah Maina,  
Adeola A. P. Aina





**AFRINIC Number Resources Transfer Policy  
(Draft-2)AFPUB-2020-GEN-006-DRAFT02**



There have been no discussions on the mailing list for this version of the proposal

# AFRINIC Number Resources Transfer Policy (Draft-2)AFPUB-2020-GEN-006-DRAFT02



The following have been taken from the staff impact assessment documented at <https://afrinic.net/policy/proposals/2020-gen-006-d2#impact>

- Recommendations for editorial edits and definitions
- Since "Resource" means IPv4, IPv6, and ASN in general, it is suggested that;3.1 Definitions be reworded to 3.1 Definitions applicable to this section of the proposal
- Under the heading "Definitions", more precisely under sub-paragraph 3.1.5, the term "Others" appears to be vague. The authors may wish to reformulate so that the definition also mentions that incoming legacy resources lose their legacy status after the transfer.



## Recommendations for editorial edits and definitions

- Under the heading “Rules and procedures for selecting resources eligible for transfers”, more precisely under sub-paragraph 3.3.5, the term “Any” appears to be vague; to avoid present assumptions and potential future misinterpretation, it would be important to have a specific definition.
- Bullet point 2 of Section 3.4 of the proposal reads "The resource must qualify for the type of transfer requested." This use of "type of transfer" is ambiguous since there are no transfer types defined in the proposal and is open to misinterpretation. Since a definition exists in Section 2, the authors may consider including the types of transfers in Section 3 of the proposal.

# AFRINIC Number Resources Transfer Policy

## (Draft-2)AFPUB-2020-GEN-006-DRAFT02



### Recommendations for editorial edits and definitions

- Absence of “hold down” time of new allocations/assignments and transferred resources may lead to abuse of the registry before a resource can be put to an effective justified need.
- - Under the under heading “Conditions on the source”, more precisely with respect to the first bullet under paragraph 3.5 of the policy proposal, same to be rephrased as follows “The source holder must be the rightful holder of the resources being the subject of the transfer and that the resources must not be the subject of any dispute, known or contemplated.
- - The author may wish to update Section 3 of the proposal with “ Resources deemed to be transferred without AFRINIC's prior approval will be deemed non-compliant with the policy and shall be reclaimed” .

# AFRINIC Number Resources Transfer Policy

## (Draft-2)AFPUB-2020-GEN-006-DRAFT02



The following have been taken from the staff impact assessment documented at <https://afrinic.net/policy/proposals/2020-gen-006-d2#impact>

- 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 particular, it is unclear as to whether AFRINIC's role in the whole 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. Accordingly, it is proposed that the burden of conducting such adequate due diligence with respect to the source holder or the concerned IPv4 number resources be borne by the intended recipient, and that AFRINIC's role should be limited to act as a facilitator only without bearing any legal responsibility whatsoever in that process.

# AFRINIC Number Resources Transfer Policy

## (Draft-2)AFPUB-2020-GEN-006-DRAFT02



- In regard to inbound transfer of legacy resources into the AFRINIC's region and whilst clause 3.6 of the proposed policy will require the recipient to sign an RSA, it is not clear in the proposed policy whether the concerned IPv4 legacy resource will lose its legacy status upon transfer into the AFRINIC's service region in as much as the current RSA is not presently tailored for that purpose.
- it is also important to clarify whether, in case of inbound transfers of legacy resources, AFRINIC will be able to execute its RSA with the obvious risk of the concerned IP number resources being reclaimed by AFRINIC in case of subsequent breach of the RSA, despite that the recipient organisation would have most probably paid good consideration (financial value) for such transfers.



## **Financial Assessment**

- Since IPv4 & ASN resources from the AFRINIC Pool can only be transferred in-region(Intra), AFRINIC will not lose its current resource members to other RIRs in outgoing transfers. This proposal will therefore have a minimal financial impact on AFRINIC's revenue.

# AFRINIC Number Resources Transfer Policy (Draft-2)AFPUB-2020-GEN-006-DRAFT02



- Open Mic Discussions by the PDWG + Q&A comments/questions
- Response by the Authors
- Announcement of the decision of the Co-Chairs





# Open microphone