

STAFF ASSESSMENT for AFPUB-2016-GEN-001-DRAFT-05: Internet Number Resources Review by AFRINIC

STAFF ASSESSMENT	
Proposal:	AFPUB-2016-GEN-001-DRAFT-05
Title:	Internet Number Resources Review by AFRINIC
Proposal URL:	https://afrinic.net/en/community/policy-development/policy-proposals/2231-internet-number-resources-review-by-afrinic
Previous Assessment:	https://www.afrinic.net/images/doc/STAFF-ASSESSMENT-for-AFPUB-2016-GEN-001-DRAFT-04-Internet-Number-Resources-Review-by-AFRINIC.pdf
Assessed:	21th November 2017

1.0 Staff Understanding of the Proposal

- AFRINIC to conduct resource utilization reviews (audits) of IPv4, IPv6 and ASN resources randomly, periodically and/or triggered by a whistle-blower to ensure compliance with policy provisions and all terms of the AFRINIC RSA.
- Non-Compliant resources to be recovered (and can be reallocated).
- A review on the same resources for the same member can only be once every two years (24 months) irrespective of nature of complaint.
- Complaints made against any member by a whistle-blower must be backed by evidence. AFRINIC will require that such evidence be submitted in the form of a sworn affidavit or declared to be true before a Commissioner of Oaths (of any jurisdiction - not necessarily Mauritius or country of originator of the complaint).
- Members not happy with the review result have the right to appeal within four weeks of completion of the review. Appeals shall follow an arbitration process as provided for in the 'Code de Procedure Civile (Code of Civil Procedure)' of the Republic of Mauritius. AFRINIC may, on request from an aggrieved party, suggest a pool of arbitrators who shall be knowledgeable volunteers from the community.
- A report of all review/audit activity conducted every year will be published on the website, contents of which must comply with the necessary and appropriate applicable laws and regulations (details at AFRINIC discretion).

2.0 Staff Comments

- In 13.5, authors should clarify if the arbitration process can be initiated by the member anytime during or (only) after the review is completed. There also needs to be a time limit around when the arbitration process must complete (for the arbitration team to produce their findings/report). The words "within the four weeks" could be reworded to indicate at what point the 4-week period starts.
- All review requests shall be handled First in, First Out (at staff discretion). A review request could take from 8 to 36 man hours depending on how readily all requested information has been provided, the class of review and quantity of resources under review.
- On the clause: "The review shall be conducted in full transparency and neutrality" - Authors and the community need to understand that AFRINIC cannot disclose details of an ongoing audit/review to the public while doing the review - (if this is what authors meant by "transparency").
- On the Clause: "AFRINIC shall publish the resources to be recovered for a period of three (3) months; during which the organization may at any time, seek compliance" - AFRINIC will add "remarks" attributes to the concerned whois database objects. Information in the attributes will indicate that those objects are under audit. We think that this is sufficient to address the "publish" requirement in this clause.
- Reference to the billing & membership categories in 13.3.1 needs to change, as these are references from a foreign document that can be modified anytime, which process would also necessitate updating the CPM. Instead of

'Medium, IPv6-only, EU-AS, etc - let the proposal state the quantity and type of resources. Proposed wording below:

The member is chosen by AFRINIC at random between members holding the following resources:

- IPv4: 65536 or more IP addresses.
- IPv6: > /32
- ASN only

3.0 Comments from Legal Counsel

None observed.

4.0 Implementation:

4.1 Timeline & Impact

The proposal can be implemented within the timeline provided for in the PDP.

4.2 Implementation Requirements

A clear process for appeals needs to be documented.