**Date:** 28 July 2022

**From:** Co-Chairs, AFRINIC Policy Development Working Group

**To:** The AFRINIC Board of Directors

**Subject:** Report on the Policy Proposal Update of PDP AFPUB-2021-GEN-002-DRAFT03

**Introduction**

In line with the Policy Development Process as documented in the Consolidated Policy Manual, we have noted  that the above mentioned policy proposal attained rough consensus at the last Public Policy Meeting held in hybrid format on 01-02 June 2022  during the AFRINIC-35 meeting.

As Co-chairs, we believe that the current version of the proposal (*version no.3*) addresses the notes and observations made by interested community members that participated in discussions during the life-cycle of the proposal since the first draft. The last call period was concluded on 14 July 2022.

The table below shows the milestones in the policy proposal progress;

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| --- | --- |
| **Date** | **Milestone/Activity** |
| 19 Oct 2021 | The proposal was received on [pdwg@afrinic.net](mailto:pdwg@afrinic.net) |
| 19 Oct 2021 | Proposal was given the  ID AFPUB-2021-GEN-002-DRAFT01 and posted on website  <https://afrinic.net/policy/proposals/2021-gen-002-d1> |
| 20 Oct 2021 | Announcement done on the RPD mailing list <https://lists.afrinic.net/pipermail/rpd/2021/013880.html> |
| 4 Nov 2021 | AFRINIC published the Impact Assessment of the proposal on the website <https://lists.afrinic.net/pipermail/rpd/2021/013887.html> |
| 9 Nov 2021 | Update to proposal was received on [pdwg@afrinic.net](mailto:pdwg@afrinic.net) |
| 10 Nov 2021 | Proposal was given the  ID AFPUB-2021-GEN-002-DRAFT02 and posted on website |
| 10 Nov 2021 | Announcement done on the RPD mailing list <https://lists.afrinic.net/pipermail/rpd/2021/013895.html> |
| 18 Nov 2021 | Proposal with  ID AFPUB-2021-GEN-002-DRAFT02  was presented and discussed at the *AFRINIC-34*  Public Policy Meeting. |
| 18 Nov 2021 | Co-Chair decision: No consensus |
| 18 May 2022 | Update to proposal was received on [pdwg@afrinic.net](mailto:pdwg@afrinic.net) |
| 18 May 2022 | Proposal was given the  ID AFPUB-2021-GEN-002-DRAFT03 and posted on website |
| 24 May 2022 | Announcement done on the RPD mailing list <https://lists.afrinic.net/pipermail/rpd/2022/014307.html> |
| 01 Jun 2022 | Proposal with  ID AFPUB-2021-GEN-002-DRAFT03  was presented and discussed at the *AFRINIC-35*  Public Policy Meeting. |
| 01 Jun 2022 | Co-Chairs decision: Rough Consensus |
| 23 Jun 2022 | The start of the “Last call” period was announced by PDWG Chairs. |
| 14 Jul 2022 | The End of Last Call was announced by PDWG Chairs |
| 28 Jul 2022 | PDWG Chairs took note of the discussions on the proposal during Last Call and maintain consensus |

The AFRINIC PDWG Chairs have gone through the discussions on the RPD mailing list during the Last Call and prepared this report.

As supporting documentation, the summary of the assessment conducted is as follows:-.

**Summary of the assessment**

The assessment of the discussions before the AFRINIC-35 PPM are summarized below:-

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| --- |
| Objections/Concerns on Draft-02 |
| Pending concerns relating to section 3.4.2 - “The reduction of the announcement of the meeting agenda on the RPD list from two weeks to one week makes no sense because 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 are two weeks. The proposed version estate the same thing but it only gives a one-week provision” |
| Pending concern to section 3.4.5. ​”There is no necessity for the additional functions of the board of directors. Because it would be additional work to both the community and the board plus giving the board the opportunity to make temporary policy changes which would last until the next PPM might create an issue from it was created to the next PPM’ |
| Oluwabunmi EGBEYEMI, a researcher from a University in Nigeria mentioned her disagreement with the shortening of the expiration of the PPD and questioned the purpose? She is of the opinion that the PPV should be consolidated within one year, so it is approved to better serve the community. |
| Is a staff impact assessment needed?  If yes, at what point is it appropriate to have an impact assessment done? |

**The assessment of the discussions during the Last Call Period**

During the Last Call period, there were seven(7) contributions to the proposal, which are summarised in the table below.

|  |  |
| --- | --- |
| Objections | Addressed? |
| Section 3.4.5. Additionally malfunction of the Board  A. I disagree with this section because I do not think the board should have any additional function. The PDWG should not be subjected to the board in this manner. The Board members are also members of the community and should be free to propose policies just as any other person and not by using additional extra powers. There is already a provision in case there is an emergency.  Therefore this seems like an abuse of office. The exceptional emergency is not defined and anything can be adjudged to be an emergency.  All you need is for two friends to shout an emergency and it becomes an emergency.  B "In the event that such Policy Proposal doesn’t reach consensus, it will not be further enforced or implemented, however, any actions taken in terms of the policy up to the non-consensus determination, will remain valid."    I totally disagree with this. This has grievous consequences.  In addition to my objection in 'A' I think this clause makes it worse. How can such a policy stand? On what basis? So what this means is that the board can take an illegal action and it would stand. | Addressed by Author |
| 2. Section 3.1.1: This section is too vague. There are so many scenarios that could occur and given one example is not just the way to go cos there are many possibilities. The section also refers to the way other RIR reach consensus or Rough consensus without saying which RIR in particular cos there are different ways in which consensus is reached by other RIRs. For example, ARIIN takes actual votes into consideration.  then are we saying even when all agree on an issue it would still be "rough consensus" because the document says Consequently, the use of “consensus” in the PDP must be interpreted as “rough consensus”. | Addressed by Author |
| Section 3.3 . A part of the section says "If necessary, taking into consideration the rights of Personal Data Protection, AFRINIC may formally verify the identity of the persons forming part of the PDWG." Are we saying that if not necessary AFRINIC should forgo a fundamental human right to data protection? are we saying AFRINIC can breach the fundamental law on personal data protection if not necessary?  This is not possible. The right of personal data protection MUST be protected and not just if necessary. it is not optional.  B.  Also it reads "Typically, most of the work is carried out through the Resource Policy Discussion (RPD) mailing list (rpd@afrinic.net) and the AFRINIC Public Policy Meetings (PPM)." why do we need typically here? is there any other way to carry out the work? | Addressed by Author |
| Section 3.4.1 : "Any PPV must be discussed on the RPD List for a minimum of 8 weeks and maximum, the period of time required so it can be presented in the PPM. Consensus for a Policy Proposal can be determined only once it has been presented and discussed in the PPM." This sentence does not make any sense to me ..minimum 8 weeks And maximum what? Something seems missing here.  then i do not even understand the remaining part of the sentence.  only once ? what does that mean?   I does not have any meaning to me. I read it several times to be sure am not thick. | Addressed by Author |
| Section 3.5.3 " the proposal talked about"rough consensus" in 3.1.1 now it is talking about "consensus" . I was thinking section 3.1.1 say no more use of consensus.  Am I wrong? | Addressed by Author |
| Section 3.4.4. This section is very dangerous. Are we now saying board members are not part of the PDWG? Why would the board allow for a PPV to reach consensus and now veto it? Why if the board has an objection to the PPV then it must be done when it is being discussed on the mailing list. The board are also part of the PDWG and they have always contributed. The definition of PDWG does not exempt the board. The board cannot be superior to the community.  This section is simply saying the board is superior to the community. that the board can wait until when the policy gets to it and then reject it. Why must they wait till that stage. is there any reason for this? If the board has an objection to a policy it must be stated clearly with alternatives when it is being discussed it cannot be at the end. That is a waste of time for the community. | Addressed by Author |
| Section 3.5  As we have clearly seen now that the Board itself can be part of the controversy. If the board is now allowed to appoint all members of the AC then it is like a judge in its own case.  I give you a possible scenario based on this proposal. the board submit a proposal as an emergency, the proposal goes through and some object to it and decide to appeal. then the same board now appoints an appeal committee what do you think would happen to that case? I can give more examples.  We need to be realistic. The  AC should be appointed by the community and it must be a standing committee such that it cannot be reconstituted when an appeal is submitted. that way it would not be a subjective committee. | Addressed by Author |

**Conclusion and Recommendation**

Based on the above information, we advise the AFRINIC Board to consider the ratification report since on the basis of the current wording of the Consolidated Policy Manual, this proposal has reached consensus as the objections raised during Last Call had been addressed by the author.

***Additional Notes***

The implementation conflict highlighted by the Policy Liaison Team confirmed that more than one draft policy proposal amending a particular section of the CPM will lead to conflicting text in the CPM and therefore implementation issues , should they both reach consensus at a Public Policy Meeting. The PDWG has been consistently appraised of the situation since May 2021. However, no collaborative effort was noted among the authors to ensure that their proposals do not overlap or from the PDWG to ensure that the CPM is updated to provide the PDWG Chairs guidance as to how to address multiple proposals that overlap.

In the light of this unprecedented situation, the PDWG Chairs have also informed the Policy Liaison Team that the scope of the  impact assessment shall also be broadened and include the impact of all policies under discussion on the Consolidated Policy Manual in the event that they have all reached consensus at the same time.

Vincent Ngundi & Darwin Da Costa

**AFRINIC PDWG CO-CHAIRS**