REPORT on Appeal against the extended last call consensus determination on the proposal: "Abuse Contact Policy Update - AFPUB-2018-GEN-001 DRAFT07"

AFPUB-2018-GEN-001 DRAFT07

On 13 July 2022, the Appeal Committee (AC) met and discussed the admissibility of the appeal bearing reference **AFPUB-2018-GEN-001 DRAFT07.**

At the outset, the AC finds it appropriate to state that the Appellant bears the burden of establishing the ground(s) of the appeal albeit on a lesser standard of proof (i.e. balance of probabilities), and that the appeal is admissible as per the provisions of the Consolidated Policy Manual (CPM).

The AC has considered the appeal and is of the opinion that the same is inadmissible for the following reasons(s):

(a) Save for discussions held on the RPD mailing list pertaining to the relevant policy, there is no evidence adduced by the Appellant suggesting that the latter made any attempt to discuss and/or resolve the matter with the PDWG Chair(s) or the PDWG, and which discussion failed which thus necessitated the present appeal.

For the sake of completeness, clause 3.5.1 of the CPM is reproduced below for ease of reference:

3.5 Conflict Resolution

1. **A person who disagrees with the actions taken by the Chair(s) shall discuss the matter with the PDWG Chair(s) or with the PDWG. If the disagreement cannot be resolved in this way, the person may file an appeal with an Appeal Committee appointed by the AFRINIC Board of Directors. An appeal can only be filed if it is supported by three (3) persons from the Working Group who have participated in the discussions.**

[Underlining is ours]

For the reasons stated above, there is no need for the AC to delve into the merits of the appeal. We, accordingly, set-aside the appeal.

General remark:

The AC considers it important to provide the following guidance with regard to the application of clause 3.5.1 of the CPM:

(a) An appellant must specify clearly which decision or action taken by PDWG Co-Chair(s) (“Chairs”) forms the basis of his/her appeal;

(b) A person intending to trigger clause 3.5.1 of the CPM must officially inform the Chairs and/or PDWG that s/he disagrees with the stance of the Chairs and that s/he is calling for discussion with the Chairs;

(c) For evidential purposes in support of one's appeal, it is important that the appellant provides proof of his/her discussions held with the Chairs and the outcome of those discussions;

(d) An appeal will only be admissible where the appellant is able to establish that his attempt to resolve the dispute with the Chairs has failed.

(e) The final decision of the Chairs, following discussions held with the person being dissatisfied with their decisions or actions, must be brought to the public knowledge, that is the PDWG on the RPD mailing list.

(f) The date when discussions failed with the Chairs is important as it is the time from when a person has two weeks to initiate his/her appeal.

13 July 2022