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## **AFRINIC APPEALS COMMITTEE**

### **REPORT ON Appeal against the non-consensus determination on proposal AFPUB-2018-GEN-001-DRAFT06 (Abuse Contact Policy Update – Draft 6)**

#### **I. Appeal Committee Mandate**

The PDWG Appeal Committee (Committee) is constituted under the AFRINIC Policy Development Process (PDP) Policy which gives the mandate for creation of such a committee. The AFRINIC PDP is published at the following URL: <https://afrinic.net/policy> The Terms of Reference (ToR) of the Appeal Committee are published at the following URL: <https://afrinic.net/policy/appeal-committee#tor>

#### **II. Members – Chairperson – Secretariat**

The AFRINIC Policy Development Appeal Committee members are:

- i. Wafa Dahmani (WD)
- ii. Jean-Robert Hountomey (JH)
- iii. Luc Missidimbazi (LM)
- iv. Adam Nelson (AN)
- v. Paulos Nyirenda (PN)

Having received several appeals in quick succession that included this one, the Committee held its first meeting on these appeals on 15 October 2020. The meeting was chaired by Dr Paulos Nyirenda.

The Committee, at that first meeting, elected Wafa Dahmani as its Chairperson on these appeals.

Guylaine Laiyra, a staff member of AFRINIC, acts as the Secretary to the Committee.

### **III. Receipt of the Appeal against the non-consensus determination on proposal AFPUB-2018-GEN-001-DRAFT06 (Abuse Contact Policy Update – Draft 6)**

The Committee received an "Appeal against the non-consensus determination on proposal AFPUB-2018-GEN-001-DRAFT06" Abuse Contact Policy Update – Draft 6 proposal which is published at the following URL: <https://afrinic.net/policy/appeal-committee#appeals>

The Committee reviewed and confirmed that the Appeal filed is in accordance with Section 5 of the ToR of the Appeal Committee.

### **IV. Timeline**

At its first meeting on 15 October 2020, the Committee discussed a timeline as required by its ToR for dealing with the received appeals which was updated on 02 November 2020 and the timeline is published at the following URL: [https://afrinic.net/ast/pdf/policy/appeals\\_timeline\\_20201112.pdf](https://afrinic.net/ast/pdf/policy/appeals_timeline_20201112.pdf)

On 12<sup>th</sup> November 2020, the Chairperson informed the AFRINIC community of publication of the timeline through the RPD mailing list.

### **V. Documents**

The Committee requested the AFRINIC secretariat to provide documents related to the Appeal, including the following:

- a) Recordings of the face to face public policy meeting
- b) Emails from the RPD mailing list relating to the Appeal

The Committee agreed to work based on the materials available.

### **VI. Meetings and discussions of the Appeals Committee**

The Committee scheduled and met online using the *Zoom* online conferencing facility supported by the Secretariat as follows:

- i. 15 October 2020
- ii. 22 October 2020
- iii. 29 October 2020

- iv. 02 November 2020
- v. 05 November 2020
- vi. 10 November 2020
- vii. 12 November 2020
- viii. 19 November 2020
- ix. 26 November 2020

The Committee also used its mailing list at the email address:

*<pdwg-appeal-committee@afriinic.net>* to carry out discussions online.

The minutes of the Committee meetings will be published at the following URL:

<https://afriinic.net/policy/appeal-committee#appeals>

### **VIII. Policy discussing and Co-chairs' declaring non-consensus' during the face-to-face meeting of 17 September 2020 during the AFRINIC32 virtual meeting**

The Committee noted that the declaration of consensus under consideration in this Appeal is guided by the AFRINIC PDP in Section 3.4.2 of the AFRINIC Consolidated Policy Manual (CPM) as published at the following URL:

<https://afriinic.net/cpm-1-3?view=article&id=1606&lang=en#PDP>

The Committee noted that in this section, the PDP states that "The Chair(s) determine(s) whether rough consensus has been achieved during the Public Policy Meeting."

The Committee, therefore, reviewed the recordings of the face-to-face Public Policy Meeting (PPM) that discussed version **AFPUB-2018-GEN-001-DRAFT06** of the abuse contact policy proposal. The video of the PPM discussion is available at the following URL: <https://www.youtube.com/watch?v=5hkmHzyLf2U&t=1061s>, and the video of the PPM co-chairs conclusion is available at the following link:

<https://www.youtube.com/watch?v=Wt6-fYwKhxs&t=254s>

### **IX. Committee assessment on Co-chairs' declaration on non-consensus**

The Committee noted that, in addition to considering the discussion at the public policy meeting, the co-chairs also considered the following specific issues in coming up with their declaration:

- a. Staff analysis on how the draft policy affects legacy holders seems not conclusive, especially on how it affects legacy holders
- b. The policy proposal doesn't state what will be the consequences if a member fails to comply
- c. Why there is need to create the abuse contact when there is no consequence for not providing the abuse contact
- d. Abuse contact email issues with GDPR concerning the WHOIS database
- e. No proper definition of the term Abuse
- f. To force members to reply to their abuse email is not in the duty of AFRINIC.

The Committee finds that community members who spoke during the PPM raised some of these issues.

Whereas two (2) members of the Committee observed that either the objections raised were addressed or out of the policy's scope, two (2) members noted that the declaration of consensus under consideration in this appeal is guided by Section 3.4.2 of the AFRINIC PDP in the CPM where it is observed that there was significant opposition to the policy during the PPM at which community members raised objections with sufficient concern. One (1) member of the Committee was neutral.

## **XII. Final assessment of Appeal Committee on the Appeal**

The Committee could not agree on whether the co-chairs' determination on non-consensus should be overturned.

## **XII. Conclusion**

The Committee did not reach agreement to overturn the decision of the Co-Chairs as appealed.