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Version: 2.0

Obsoletes:

CPM 3.3

CPM 3.5 Section 3.5 is now part of the PDWG (section 3.3.10.3)

Amends:

CPM 3.4 [Section 3.4.4]. Section 3.4.4 is now part of the PDWG (section 3.3.11)

Relation to other provisions in the AFRINIC governance framework.

It requires amendment of section 11.2 of the Bylaws

It requires amendment of the NRO NC member election process

Revision History

- Replace “Frozen Resource Policy Discussion mailing list” with “Inactive Resource Policy Discussion mailing list” in Problem statement
- Clarify that “AFRINIC member” means “Resource member”
- Add “ Designated Representative of the Resource Member” in 3.3.0 (5)
- Introduce Number Council making decision by consensus in 3.3.0 (6)
- Introduce 3 instead of 2 co-chairs in 3.3.1,
- Introduce co-chairs term of 3 years instead of 2 years and amend the appointment process by consensus in 3.3.3
- Remove in-person meeting attendance requirement for co-chair candidates in 3.3.3.
- Amend how PPMs are chaired by the 3 co-chairs in 3.3.8
- Clarify draft policy approval process in 3.3.11
- Add 3.3.12 on Board of Directors statutory authority and fiduciary responsibilities
- Add 3.3.13 on Good Faith Protection

Note: Answers to staff impact assessment at: <https://tinyurl.com/4bjjh4r8>

Policy Proposal: PDP Working Group (WG) Guidelines and Procedures

Summary of the problem being addressed by this proposal

The current PDP uses a Working Group for policy development activities. It does not define specific procedures and operational rules for the working group. This has over the time led to interpretation issues in regard to how the working group is administered and how discussions are moderated. The current PDP and PDWG activities are too dependent on the Registry's governance. The recent lack of a board quorum had many negative impacts on the Policy Development Process:

- Adopted policy proposals not ratified or not implemented
- No Public Policy Meeting
- Non-renewal of co-chairs
- Non-renewal of appeal and recall committees
- Non-renewal of ASO AC/NRO NC representatives
- ~~Frozen~~ Inactive Resource Policy Discussion mailing list

Summary of how this proposal addresses the problem

The proposal addresses the problems by defining clear and explicit Working Group guidelines and procedures. A new Policy Development Approach inline with the new "Governance Document for the Recognition, Operation, and Derecognition of Regional Internet Registries" (1) which:

- is community-driven and governed
- maintains continuity irrespective of the Registry Function Operator
- guarantees that the AFRINIC Internet Community will always continue to define the policies to govern Number Resources management in AFRICA

It establishes a Regional Number Council, a new Appeal and Recall committees and has provisions for the Working Group to initiate petition to ratify policy proposal in case board is prevented from acting or refuses to ratify without reasons.

It introduces community consultation meetings to expand the reach of participation in the PDP beyond the official channels.

It is sourced from the analysis (2) of the AFRINIC Policy Development Process.

Policies the proposal amends/obsoletes

The proposal obsoletes sections 3.3 & 3.5 and amends section 3.4.4 of the AFRINIC CPM.

Current

3.3 The Policy Development Working Group (PDWG)

The Policy Development Working Group (PDWG) discusses the proposals. Anyone may participate via the Internet or in person. PDWG work is carried out through the Resource Policy Discussion mailing list (rpd@afrinic.net) and the bi-annual AFRINIC Public Policy Meetings (PPM). Any person, participating either in person or remotely, is considered to be part of the Policy Development Working Group.

The Policy Development Working Group has two Chairs to perform its administrative functions. The PDWG Chairs are chosen by the AFRINIC community during the Public Policy Meeting and serve staggered two-year terms. The term ends during the first Public Policy Meeting corresponding to the end of the term for which they were appointed. A term may begin or end no sooner than the first day of the Public Policy Meeting and no later than the last day of the Public Policy Meeting as determined by the mutual agreement of the current Chair and the new Chair.

If the Working Group Chair is unable to serve his or her full term, the Working Group may select a replacement to serve the remainder of the term. If the Working Group Chairs are unable to attend the Public Policy Meeting, the Working Group shall nominate a Chair for the session. Anyone present at the meeting, whether in person or by remote participation, may participate in the selection process for a temporary Chair.

3.4.4 Approval

The Working Group Chair(s) shall recommend the draft policy to the AFRINIC Board of Directors for approval if it has the consensus of the Policy Development Working Group. The recommendation shall include a report of the discussions of the draft policy and feedback from the Last Call. The draft policy shall be ratified by the AFRINIC Board of Directors.

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.

2. The appeal must be submitted within two weeks of the public knowledge of the decision. The Appeal Committee shall issue a report on its review of the complaint to the Working Group. The Appeal Committee may direct that the Chair(s) decision be annulled if the Policy Development Process has not been followed.

3. Anyone may request the recall of a Working Group Chair at any time, upon written request with justification to the AFRINIC Board of Directors. The request must be supported by at least five (5) other persons from the Working Group. The AFRINIC Board of Directors shall appoint a recall committee, excluding the persons requesting the recall and the Working Group Chairs. The recall committee shall investigate the

circumstances of the justification for the recall and determine the outcome.

Proposal

3.3 Introduction

The Policy Development working group (PDWG) provides an open public forum where proposals for policies for a proper and responsible usage and Management of Internet number are discussed.

PDWG sessions are held at AFRINIC Public Policy Meetings(PPM). Between meetings, discussions continue through the Resource Policy discussions mailing list (referred to as “mailing list”). The PDWG is open to all interested individuals.

This document serves as guidelines on how the working group shall operate. It defines clear roles and responsibilities for the PDWG co-chairs and clear procedures for the working group’s administration.

3.3.0 Definitions

1. NRO NC: The NRO Number Council (NRO NC), is an elected body of 15 volunteers. As stated in the ICANN ASO MoU, the NRO NC serves as the ASO Address Council (ASO AC)

2. NRO NC Members: Each RIR community selects two people to serve on the ASO AC / NRO NC. Each RIR’s Executive Board also appoints one person from its respective region to serve.

3. Eligibility of Community-elected NRO NC members: Open to individuals residing within the AFRINIC service region. It is expected that candidates are active members of the AFRINIC community, engaged in community activities .

All nominations (including self-nominations) must be supported by one AFRINIC member and one member of the community; the Community member should not be a registered contact of the AFRINIC member.

4. Election of the community-elected NRO NC members: These members are elected during Public Policy meeting, through online voting administered and managed by AFRINIC staff, where candidate with the majority votes win. In case of tie, the voting is repeated. If a member resign, or unable to serve, a new election is organised at the next PPM called by the Number Council.

5. Voting for the community-elected NRO NC members: NRO NC elections are open to AFRINIC resource members and to PPM attendees as follow. (3)

Resource Member voting

AFRINIC resource Members are eligible to vote in the NRO NC elections. Each Member organisation is entitled to cast one vote during the times noted in the NRO NC election timetable. Online voting entitlements are only available to those individuals who are:

Corporate Contacts, or
Authorized contacts with voting rights given by the Corporate Contact or
Designated Representative of the Resource Member

Registered PPM attendee voting

Individuals who reside in a country within the AFRINIC service region, are registered for the current PPM they are attending **in-person** and have also attended at least one of the previous six PPM (either online or in-person) are entitled to vote in the NRO NC elections. Verification of an individual's entitlement to vote against official records will be used where necessary. AFRINIC staff are not eligible to vote. The voting takes place during the PPM. The details of the voting process will be published on the PPM website.

~~**6. Number Council (NC):** The co-chairs, the 2 community-elected NRO NC members and the board Appointed NRO NC member constitute the Number Council. The Council is chaired by one of the two Community-elected NRO NC member. It makes decision by the majority of members present.~~

6. Number Council (NC): The Co-Chairs, the two community-elected NRO NC members, and the Board-appointed NRO NC member shall constitute the Number Council. The Chair of the Number Council shall be elected from among the two community-elected NRO NC members. Decisions of the Number Council shall be made by consensus. Where consensus cannot be reached after reasonable efforts, a decision may be made by a majority of the members present. In the event of a tied vote, the Chair shall determine the outcome.

7. Appeal Committee (AC) : The 2 community-elected NRO NC representatives and the immediate past co-chair form the Appeal committee.

8. Recall Committee (RC) : The Appeal Committee serves as Recall Committee

9. Community Consultation (CC): Community Consultations are forum to present, discuss, and raise awareness on policy proposals in various constituencies and various languages. The co-chairs can call CC anytime suitable.

3.3.1 Co-chairs

~~Two~~ Three PDWG co-chairs primarily administer the Policy Development working group. The PDWG co-chairs perform a vital role in managing the working group. The effectiveness of the PDWG is dependent on the active participation of the co-chairs. PDWG co-chairs undertake their role on a volunteer basis.

The co-chairs coordinate the activities of the policy development's working group and are expected to attend all AFRINIC Public Policy Meetings. They must remain subscribed to the mailing list for the duration of their term and must also be subscribed to the AFRINIC members-discuss mailing list during their term.

For each policy proposal, one co-chair must be assigned as the primary contact; all co-chairs however shall actively participate in the consensus building. The leading co-chair for the proposal as described above shall guide the policy proposal through the different phases of the PDP.

3.3.2 Responsibilities of PDWG co-chairs

The co-chairs' responsibility encompasses at least the following:

- Ensure working group process and content management
The co-chairs have ultimate responsibility for ensuring that the working group achieves forward progress. The co-chairs are also responsible to ensure that the working group operates in an open and fair manner.
- Moderate the mailing list
The co-chairs should attempt to ensure that the discussions on the list are relevant and that they converge to consensus agreements. The co-chairs should make sure that discussions on the list are summarised and that the outcome is well documented to avoid repetition and other abuses.
- Organise, prepare and chair the face-to-face and on-line formal working group meetings as well as community consultation meetings

The specific responsibilities of the co-chairs are listed below:

3.3.2.1 Before an AFRINIC Public Policy Meeting

- a) Assist authors with formatting proposal
- b) Introduce policy proposals to the mailing list
- c) Discourage any behaviour that jeopardises open participation to policy discussions, especially for newcomers.
- d) Monitor and moderate discussions held on mailing list
- e) Announce the call for presentation of policy proposals for Public Policy Meetings on the mailing list
- f) Read presentation's slides to familiarize themselves with the details and ensure they match proposals' text. In case of any difference, submission of an updated version of the proposal on the mailing list to notify the working group is required, even if these changes will not be considered.
- g) Create agenda presentation slides for the meeting with AFRINIC staff.
- h) Guide the consensus building process; announce the current status of a policy proposal.
- i) Read AFRINIC Public Policy Meeting minutes and make corrections as necessary
- j) Present the policy discussion working group report to the AFRINIC Public Policy Meeting.

3.3.2.2. During a Public Policy Meeting

- a) Chair the Public Policy meeting and moderate the discussions.
- b) Determine whether proposals gained enough support to move to the next phase.
- c) Monitor remote chat-room discussions during the AFRINIC Public Policy Meeting
- d) Present the policy discussion working group report to the AFRINIC Public Policy Meeting.

3.3.2.3. After a Public Policy Meeting

- a) Send a report of the Public Policy Meeting to the community and mailing lists including policy proposal discussion outcomes and open action items.
- b) Monitor and moderate discussions during the last-call phase period.
- c) Summarise discussions, and following the end of the last-call, post the decision regarding whether the proposal has reached consensus or not.
- d) Submit policy proposal ratification report to the AFRINIC board of directors.

3.3.3. Appointment of PDWG Co-chairs

The working group appoints ~~two~~ three co-chairs for a ~~two~~ three-years term. Chair terms are staggered yearly (seat1, seat2 and seat3).

The working group makes decisions by consensus and shall also appoint co-chairs by consensus(2).

The appointment for each seat follows the following process:

At least 60 days before the Public Policy Meeting, AFRINIC staff send a call for nominations to the mailing list. The call will contain:

- Details of the co-chair position to be filled (seat1, seat2 or seat3)
- Details of the duties of the position.
- The closing date for nominations; 30 days from the date of the call.

Any natural person residing in a country from the AFRINIC service region is allowed to volunteer.

Candidates for the co-chair's position should be known as an active participant on the mailing list with good experience with the AFRINIC policy development processes which are readily learned by active participation in the working group and especially by serving as document editor or author.

They must have attended at least four (4) meetings of the last six (6) Public Policy Meetings either online or in-person. ~~of which one must be in-person~~. The six meetings are the six most recent meetings that ended prior to the date on which the solicitation for volunteers is submitted on resources policy discussions list.

Volunteers make themselves known by introducing themselves (short biography and motivation) as a candidate to the **Number Council**. At the end of the nomination period, the NC shall publish the list of qualified candidates.

If at least one nomination is received by the closing date, the appointment process starts. The co-chair(s) ensure that all candidates are announced on the mailing list and issue a call for discussion. WG members express their approval or otherwise of the presented candidates.

The appointment must be held at the upcoming Public Policy Meeting as the first item on the agenda. Those present at the session, either in person or remotely, will ~~determine by consensus~~ discuss among the candidates who shall take the available position. The remaining co-chairs declare a decision, based on mailing list discussions and the discussions at the PPM, as they would do for a policy proposal. If the working group finds itself without a co-chair, **Number Council's chair** will lead the consensus process.

In the event of a tie, the consensus tied candidates will draw lots.

If only one candidate is being evaluated, the lack of consensus must declare the seat vacant. The **Number Council** shall appoint interim co-chair within two weeks after the PPM. The Interim co-chair will act up to the appointment of the new co-chair.

Exit of co-chair includes a handover period and an expectation that the sitting chair follows proposals, which have already reached consensus, to the completion of their PDP cycle.

3.3.4. Recalling a co-chair

If the co-chair does not attend two consecutive AFRINIC Public Policy Meetings without reasons or has been publicly reported by the other co-chairs as no longer attending to the working group's affairs without reasons, the co-chair will be removed from its role.

Anyone may request the recall of a working group co-chair at any time, upon a written request with justifications to the Recall Committee. The request must be supported by at least ten (10) other persons from ten(10) different organisations. These persons must have been subscribed to the mailing list for at least one(01) year and attended at least one (1) AFRINIC Public Policy Meeting during the last two (2) years, either in-person or remotely.

A request for recall shall be published on the mailing list.

The recall committee shall investigate the circumstances of the request for the recall, hear the parties and determine the outcome in not more than 4 weeks.

The co-chair must be recalled if proven unable to perform the role of co-chair, or preventing the WG for making forward progress deliberately, or showing constant and persistent violations of the PDP or the WG's rules.

The recall committee report shall be published on the mailing list.

The recall committee decision shall be final and binding.

Whenever a co-chair is removed from its role and recalled, the remaining co-chairs will assume the chairing role of the working group until the appointment of a new co-chair.

If all co-chairs are recalled, the **Number Council's chair** shall as a matter of urgency lead the appointment by the working group of an interim co-chair(s) via the mailing list or at the Public Policy meeting.

If no consensus can be reached, the **Number Council** shall appoint interim co-chairs(s) for the working group within two weeks after the ascertainment of the lack of consensus.

3.3.5. Resignation of co-chair

If a co-chair resigns, the remaining co-chairs will assume the chairing role of the working group until the appointment of a new co-chair.

If two or all co-chairs resign, the **Number Council's chair** shall as a matter of urgency lead the appointment by the working group of an interim co-chair(s) via the mailing list or at the Public Policy meeting. If no consensus can be reached, the **number Council** shall appoint interim Co-chairs(s) for the working group.

The Interim co-chair(s) will act up to the appointment of the new co-chair(s).

3.3.6 Operations working group (PDWG)

3.3.6.1 Moderation of working group discussions and sessions

The challenge of managing the policy development working group sessions is to balance the need for open and fair consideration of the issues against the need to make forward progress. The working group, as a whole, has the final responsibility for striking this balance. The working group co-chairs have the responsibility for overseeing the process.

To facilitate making forward progress, the working group co-chairs may wish to decide to reject or defer the input from an individual, based upon the following criteria:

Old:

The input pertains to a topic that already has been resolved and is redundant with information previously available;

Minor:

The input is new and pertains to a topic that has already been resolved, but it is felt to be of minor import to the existing decision;

Timing:

The input pertains to a topic that the working group has not yet opened for discussion;

Scope:

The input is outside the scope of the discussions or of the working group

3.3.7 Individual Behaviours

Occasionally one or more individuals may engage in behaviour on a mailing list that, in the opinion of the working group co-chairs, is disruptive to the working group's progress or goes against applicable Codes of Conduct.

Unless the disruptive behaviour is severe enough that it must be stopped immediately, the co-chairs should attempt to discourage the disruptive behaviour by communicating directly with the offending individual. If the behaviour persists, the co-chairs should send at least one public warning on the mailing list. The warning should clearly expose what is being cautioned on the individual and the basis of co-chairs judgment.

As last resort, and typically after one or more explicit warnings, and if the behaviour persists, the working group co-chairs may suspend the mailing list posting privileges of the disruptive individual for a period of not more than 30 days. The application of this restriction must be gradual. If the individual resumes with the same behaviour or worse, the restriction period may increase.

Even while posting privileges are suspended, the individual must not be prevented from receiving messages posted to the list.

Other Mailing list control solutions may be considered. The working group must have adopted these solutions.

Like all other working group's co-chairs' decisions, any suspension of posting privileges is subject to appeal.

3.3.8 Public Policy Meeting

A Public Policy Meeting (PPM) is a meeting open to the community wherein proposals for policies are discussed within the framework of the Policy Development Process (PDP). Public Policy Meeting may be attended by resource members; Anyone interested in the Number Resources Management policy.

The Number Council shall call a Public Policy Meeting at least once a year where policy proposals are discussed ~~or/and~~ and where required for the selection of co-chairs or election of NRO NC representatives.

~~If one co-chair can't participate in a Public Policy Meeting, the second co-chair shall chair the meeting.~~ Every PPM shall be chaired by at least two co-chairs

~~If both two co-chairs can't participate in a meeting, the working group shall appoint one (1) person temporarily to lead the session to second the remaining co-chair.~~ If the working group fails to appoint a temporary ~~lead~~ co-chair, the meeting shall be adjourned.

The temporary ~~lead~~ co-chairs team formed above shall lead the discussions

according to the agenda but can't determine consensus. They will provide meeting minutes to the mailing list and allow the co-chairs to take over.

While open discussion and contribution is essential to working Group success, co-chairs are responsible for ensuring forward progress. When acceptable to the working group, co-chairs may call for restricted participation (but not restricted attendance!) at Public Policy meetings for the purpose of achieving progress. The working group co-chairs then have the responsibility to refuse to grant the floor to any individual who is unprepared or otherwise covering inappropriate material, or who, in the opinion of the co-chairs, is disrupting the working group process.

3.3.9 Consensus

The working group makes decisions by consensus as defined in the PDP.

3.3.10 Appeals

3.3.10.1 Suspension of posting privileges

Anyone whose privileges of posting to the mailing list have been suspended by the working group co-chairs may file an appeal against the decision to the Appeal Committee. The Appeal Committee will evaluate the circumstances, hear the co-chairs and complainer and decide. The Appeal Committee may direct that the Co-chairs decision be annulled if disproportional or unjustified considering the severity of the behaviour. The Appeal Committee's decision shall be final and binding.

3.3.10.2 Co-chairs appointment

A person who disagrees with the actions taken by a co-chair regarding the appointment process may follow the conflict resolution process.

Actions taken by the Number Council regarding the appointment process are final and binding.

3.3.10.3 Conflict resolution

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

The appeal must be submitted within two weeks of the public knowledge of the decision. The Appeal Committee shall issue a report on its review of the complaint to the Working Group. The Appeal Committee may direct that the co-chairs decision be annulled if the consensus determination process or the Policy Development Process has not been followed.

The Appeal Committee's decision shall be final and binding.

3.3.11 Approval of policy proposal

The co-chairs shall recommend draft policy to the AFRINIC Board of Directors for approval if it has the consensus of the Policy Development Working Group. The recommendation shall include a report of the discussions of the draft policy and feedback from the Last Call. ~~The draft policy shall be ratified by the AFRINIC Board of Directors.~~

The draft policy shall be ratified by the AFRINIC Board of Directors unless the Board determines otherwise. If the Board resolves not to ratify the draft policy, it shall publish a reasoned decision on the Resource Policy Discussion (RPD) mailing list. The Working Group shall then discuss the Board's decision and determine the appropriate course of action.

~~If a policy proposal approved by the PDWG fails to be ratified by the board (inability or refusal by the board without reasons for 60 days), a petition for ratification can be initiated by a member of the PDWG.~~

Where there is no duly constituted and operative Board of Directors, a petition for the ratification of the draft policy may be initiated by any member of the Policy Development Working Group (PDWG)

If the petition is supported by at least 15 members of the PDWG who are:

- registered contacts of distinct resource members in AFRINIC database
- from at least 3 AFRINIC sub-regions

A **new** staff analysis of the proposal must be conducted. And if no new issue is found by staff, the proposal must be considered ratified and implemented by staff.

3.3.12 AFRINIC Board of Directors statutory authority and fiduciary responsibilities

While the PDWG, the co-chairs, the Number Council, the Appeal Committee, and the Recall Committee shall exercise the functions expressly assigned to them under the Working Group, the AFRINIC Board shall retain its residual statutory authority and fiduciary responsibility for the management, oversight, and affairs of AFRINIC.

3.3.13 Good Faith Protection

Co-Chairs, Number Council, Appeal Committee and Recall committee members shall not be personally liable for actions, decisions, determinations of consensus, or procedural rulings made in good faith while carrying out their responsibilities under the Working Group and in accordance with its provisions. Disputes regarding their actions shall be resolved exclusively through the Working Group appeal procedures.

This provision shall not apply in cases involving fraud, wilful misconduct, bad faith, or deliberate violation of the PDP or Working Group rules.

Acknowledgements

The author would like to acknowledge that some text and procedures in this document have been adapted from RFC2418 (4) and from the working group's practices of other RIRs.

References:

- (1) <https://www.nro.net/policy/internet-coordination-policy-2/>
 - (2) <https://www.digitalintelligence.africa/publications/alain/Review-AFRINIC-PDP.html>
 - (3) <https://www.digitalintelligence.africa/publications/alain/CO-CHAIR-NRO-NC-selection.pdf>
 - (4) <https://www.rfc-editor.org/rfc/rfc2418.html>
- <https://www.ripe.net/community/wg/active-wg/dns/dns-wg-chair-selection-process/>
<https://www.apnic.net/community/participate/elections/nro-elections/nro-voting/>