Update of the PDP

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Problem Statement

The Policy Development Working Group (PDWG) discusses about the policy proposals and anyone may participate either in the Resource Policy Discussion mailing list (RPD) and the bi-annual Public Policy Meetings (PPM).

However, there are several problems, accurate definitions and open questions that have been detected across the years:

a) Consensus definition is not clear.

b) Who constitutes the PDWG? Should participation be restricted to identified people?

c) The PDP needs to work explicitly and without doubts of compliance in situations such as the Covid “new normal”.

d) It is the discussion for the consensus (and possible appeals) only the one in the meeting, or it should explicitly be inclusive (allowing people that can’t be in meetings) stating that the mailings list is part of it.

e) Shall the impact analysis be mandatory and what is the timing for that?

f) The Last-Call is not well defined.

g) Should the proposals expire if not updated and how often? Should appeals affect the timing? What about any Board delays for the ratification?

h) Is the actual PDP timing good enough or should be improved?

i) Can other on-line sessions be organized in addition to the formal Public Policy Meetings?

j) Shall the functions of the board on the PDP matters be better described?

k) Should the moderation of discussions process be explicit?

l) Conflict resolution

Addressing the problem

- This proposal seeks to resolve all the issues stated above, and it has been designed having in mind that there are three other parts of the PDP that need to be adjusted in other proposals, in order to simplify reaching consensus in each part and in such way that each part can be adopted independently in case of lack of consensus in the others.
- In some RIRs there is a mention in guidelines (not the PDP itself) about a moderation of discussion process, such as if a topic under discussion is old or out of timing, if an objection is minor or major, etc. However, the reality is that this is not being used in any RIR, and we don't see that this may improve the debates in the PDWG, and in fact will overcomplicate the management and create an unnecessary micro-management of the chairs. As a consequence, this proposal is not considering that the point "k" above, is a real problem that needs to be solved.

What is NOT being tried to solve

The PDP has several problems, however this proposal is designed in order for the community to break the problem in smaller independent ones, and consequently be able to reach consensus in every part instead of a single proposal that will never happen.

The remaining problems (not approached by this proposal) are:

1) PDWG Chairs eligibility, selections and roles. How the PDWG continue the work in case of absence/resignation/recall of one or both chairs?
2) Conflict resolution.
3) AUP (Acceptable Usage Policy) for the mailing list, do we need it or the AFRINIC CoC is sufficient and it is accepted by the community and who and how enforces it?

Proposed Changes (1)

3.1.1 Definition of "Rough Consensus"

Achieving "rough consensus" does not mean that proposals are voted for and against, nor that the number of "yes's", "no's" and "abstentions" – or even participants – are counted, but that the proposal has been discussed not only by its author(s) but also by other members of the community, regardless of their number, and that, after a period of discussion, all critical technical objections have been resolved.

In general, this might coincide with a majority of members of the community in favor of the proposal, and with those who are against the proposal basing their objections on technical reasons as opposed to "subjective" reasons. In other words, low participation or participants who disagree for reasons that are not openly explained should not be considered a lack of consensus.

Objections should not be measured by their number, but instead by their nature and quality within the context of a given proposal. For example, a member of the community whose opinion is against a proposal might receive many "emails" of support, yet the Chairs might consider that the opinion has already been addressed and technically refuted during the debate; in this case, the Chairs would ignore those expressions of support against the proposal.

For information purposes, the definition of "consensus" used by the RIRs and the IETF is actually that of "rough consensus", which allows better clarifying the goal in this context, given that "consensus" (Latin for agreement) might be interpreted as "agreed by al"' (unanimity). More specifically, RFC7282, explains that "Rough consensus is achieved when all issues are addressed, but not necessarily accommodated."

Consequently, the use of "consensus" in the PDP, must be interpreted as "rough consensus".

Proposed Changes (2)

3.3 The Policy Development Working Group (PDWG)

The Policy Development Working Group (PDWG) discusses about 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.

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(rest of this section not changed by this proposal)

3.3 The Policy Development Working Group (PDWG)

The Policy Development Working Group (PDWG) is a forum open to the global community to discuss about Internet Number Resources policies and related topics applicable in the AFRINIC service region.

Any real person may participate, either in person or using Internet (email, videoconferencing, etc.) and that means it is considered part of the PDWG.

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.

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).

Normally, 2 PPM will be held per calendar year, which might be on-line, in-person, or hybrid. If needed, more PPM could be held on-line only, in order to split the workload across the year, having shorter PPM sessions, facilitating the PDWG to concentrate in a smaller number of proposals.

Other on-line sessions could be carried out in order to gather community inputs, or just as informative sessions, however those don’t count towards the consensus determination.

Proposed Changes (3)

3.4.1 Draft Policy Proposal

During the development of a policy, draft versions of the document are made available for review and comment by publishing them on the AFRINIC website and posting them to the rpd@afrinic.net mailing list. Each draft policy is assigned a unique identifier by AFRINIC and the AFRINIC website shall also contain the version history and the status of all proposals.

The draft policy shall be available for review for at least four weeks before the next Public Policy Meeting.

The author(s) shall make the necessary changes to the draft policy according to the feedback received.

The Working Group Chair(s) may request AFRINIC to provide an analysis (technical, financial, legal or other), of the impact of the draft policy proposal.

3.4.1 Draft Policy Proposal and Discussion Timing

During the development of a policy, versions of a policy proposal document are made available for discussion by publishing them on the AFRINIC website and posting them to the rpd@afrinic.net list.

Each Policy Proposal Version (PPV) is assigned a unique identifier by AFRINIC and the AFRINIC website must also contain the version history and the status of all proposals and versions.

For every PPV, AFRINIC must publish an Impact Analysis (IA) in a maximum of 4 weeks (from the submitted date) and at least 1 week before the PPM. When a complete IA is not possible within that timeframe, it should be duly justified in the RPD list and at least a draft version must be available.

The PPV must be available for discussion for at least 2 weeks before the next PPM.

The author(s) must make the necessary changes to the PPV according to the feedback received.

Proposed Changes (4)

A draft policy expires after one calendar year unless it is approved by the AFRINIC Board of Directors as a policy. The timeout period is restarted when the draft policy is replaced by a more recent version of the proposal

A draft policy can be withdrawn by the author(s) by sending a notification to the Resource Policy Discussion mailing list.

A PPV expires after 6 months, unless it has been submitted by the Chairs for ratification by the AFRINIC Board of Directors as a policy. The timeout period is restarted when the PPV is replaced by a new version. A Policy Proposal can be withdrawn by the author(s) by sending a notification to the RPD List.

An appeal pauses the 6-months expiry counter until the Appeal is resolved by the Appeal Committee (AC).

Expired PPVs may be updated at a later stage, and will not be considered a new proposal, so they will keep the previous ID.

Any PPV must be discussed on the RPD List 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.

However, if a PPV has been already presented in a PPM, under request of the author(s), the Chairs could decide that a new presentation (at a PPM) is not needed if consensus could already be achieved in the RPD List. However, the 8 weeks discussion period in the RPD List is still required.

Proposed Changes (5)

3.4.2 Public Policy Meeting

The draft policy is placed on the agenda of an open public policy meeting. The agenda of the meeting shall be announced on the Resource Policy Discussion mailing list at least two weeks prior to the meeting. No change can be made to a draft policy within one week of the meeting. This is so that a stable version of the draft policy can be considered at the meeting. The Chair(s) determine(s) whether rough consensus has been achieved during the Public Policy Meeting.

The Chair(s) shall publish the minutes of proceedings of the Public Policy Meeting not later than three weeks after the meeting.

3.4.2 Public Policy Meeting and Consensus Determination

Any new PPV must be placed on the agenda of a PPM. The agenda of the meeting must be announced on the RPD List at least 1 week prior to the meeting. No change can be made to a PPV within 1 week of the meeting. This is so that a stable version of the Policy Proposal can be considered at the meeting.

Once the minimum 8 weeks of discussion in the list and a presentation at the PPM (for never presented Policy Proposals) are met, the Chairs have a maximum of 2 weeks to determine whether rough consensus has been achieved (considering both list and meeting).

The Chairs must publish the minutes of proceedings of the PPM not later than 2 weeks after the meeting.

For every PPV that doesn't reach consensus, the Chairs should clearly state the reasons, in order for the authors to be able to work in an improved version.

Proposed Changes (6)

3.4.3 Last Call

A final review of the draft policy is initiated by the Working Group Chair(s) by sending an announcement to the Resource Policy Discussion mailing list.

The Last Call period shall be at least two weeks. The Working Group Chair(s) shall evaluate the feedback received during the Public Policy Meeting during this period and decide whether consensus has been achieved.

3.4.3 Last Call

A final discussion of the PPV is initiated by the Working Group Chairs by sending an announcement to the RPD List. The Last-Call period must be 2 weeks.

Within 1 week after the end of the last-call, the Working Group Chairs must confirm whether consensus is maintained.

The purpose of the “last-call” is to provide the community with a brief and final opportunity to comment on the PPV. Consequently, during this period pure editorial comments may be submitted and, exceptionally, objections if any aspect is discovered that was not considered in the discussion prior to determining consensus. Any new objections must also be substantiated and must therefore not be based on opinions lacking a technical justification.

In case of editorial modifications, a new version must be published and the last-call period restarted.

Proposed Changes (7)

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.

3.4.4 Approval

If consensus is declared, the Working Group Chairs will submit the Policy Proposal to the AFRINIC Board of Directors for ratification, include a short report of the discussions.

The Board, as soon as possible after the report submission, must either:

- Ratify the proposal analyzing with the staff the implementation details and timing, or
- Return the proposal to the PDWG for further discussion justifying the reasons and possible alternatives, so the authors can decide if they want to submit an updated version.

The Board must communicate the decision to the PDWG.

Proposed Changes (8)

3.4.5 Additional Functions of the AFRINIC Board of Directors

The community is the only responsible for the Policy Development, by means of the PDP. However, in exceptional emergency situations, duly justified, the Board may define temporary policy changes, which will only be valid until the next PPM.

Those changes must be introduced as a Policy Proposal so they can be endorsed (or not) by the community. Attending to the exceptionality, the “Varying the Process” section could be used in order to try to speed up the process.

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.

Proposed Changes (9)

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.

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 AC, 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 AC shall issue a report on its review of the complaint to the Working Group. The AC 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.
4. Appeals and Recalls don’t modify the timing of the PDP. However, the Board must hold the ratification in case of an Appeal pending of resolution by the AC.

Proposed Changes (10)

3.6 Varying the Process

The process outlined in this document may vary in the case of an emergency. Variance is for use when a one-time waiving of some provision of this document is required.

1. The decision to vary the process is taken by a Working Group Chair.
2. There must be an explanation about why the variance is needed.
3. The review period, including the Last Call, shall not be less than four weeks.
4. If there is consensus, the policy is approved and it must be presented at the next Public Policy Meeting.

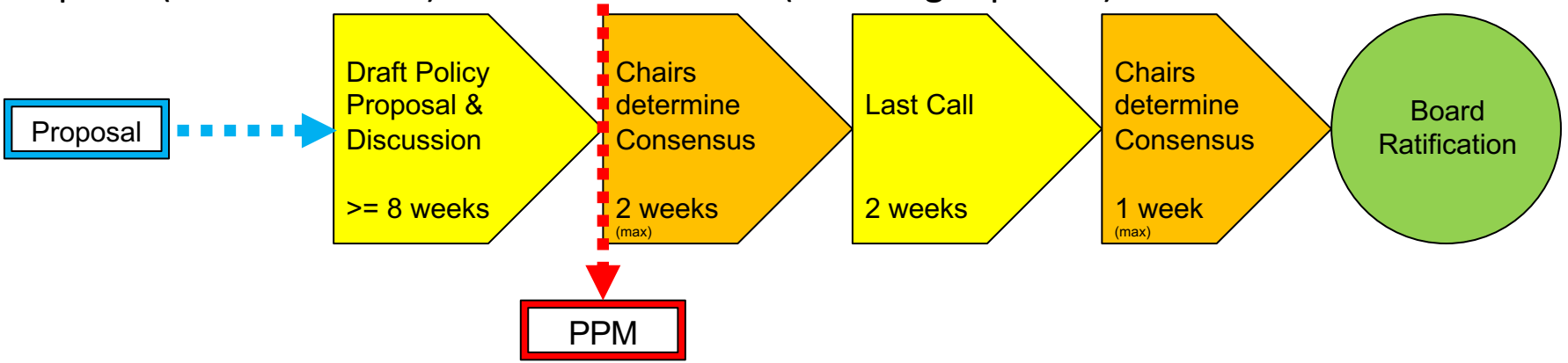
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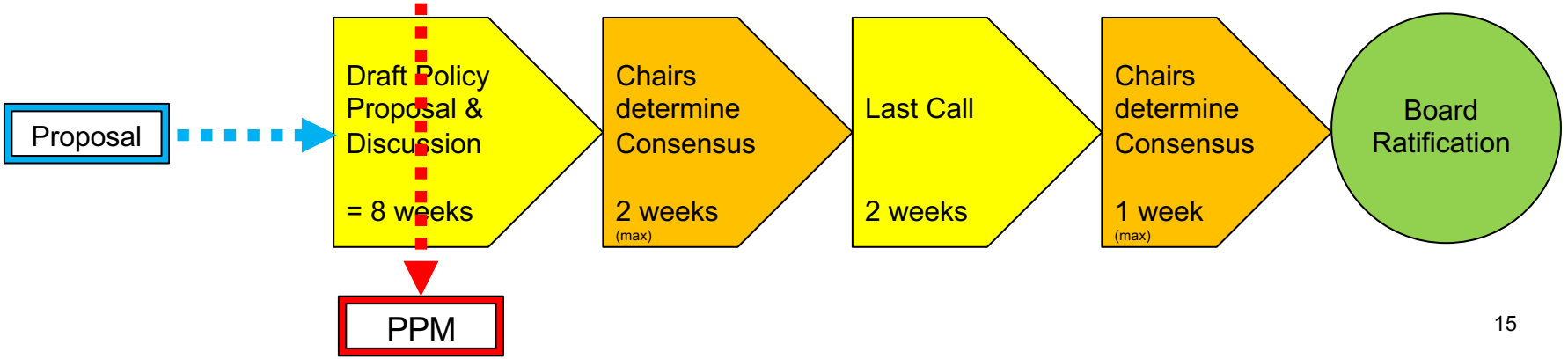
1. The decision to vary the process is taken by the Working Group Chairs.
2. There must be a clear and sufficient justification about why the variance is needed.
3. The discussion period for the Policy Proposal will be 4 weeks and the Last Call one week.
4. If there is consensus, the policy is approved and it must be presented at the next PPM.

How it looks like? (1)

a) Proposal (or new version) submitted 8 weeks (or a longer period) before PPM.

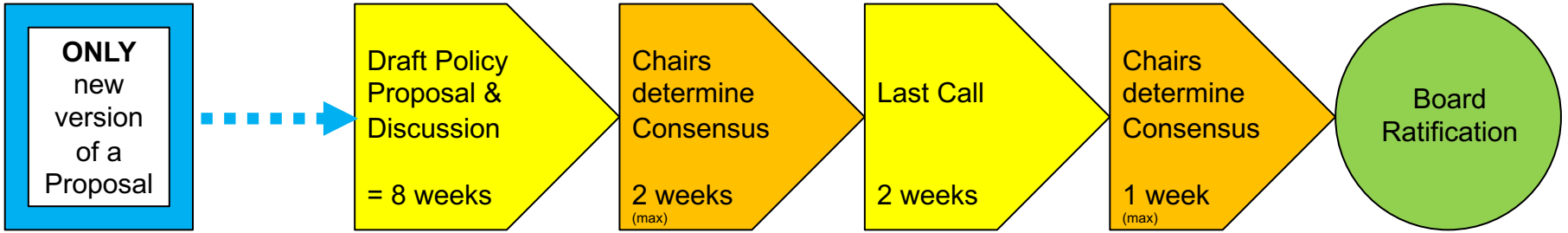


b) Proposal (or new version) submitted less than 8 weeks before PPM.



How it looks like? (2)

c) A new version of an existing proposal, which has been already presented in a previous PPM, if chairs agree, can reach consensus in the list, after 8 weeks discussion.



References

- A similar proposal reached consensus in LACNIC (May 2018), has been implemented and has been used already for several years.
- This version offers improved details considering the previous experience and the Covid-19 situation and other improvements introduced in the latest years to the LACNIC PDP.

Impact Assessment (1)

4.1 AFRINIC Secretariat Duties

- No requirement for an IA in the LC (editorial changes can’t modify the proposal).
- No changes on the IA contents (the staff may adapt this in the future).
- AFRINIC may decide to setup a system to automate the tracking, like other RIRs did.
- Identity verification should be done if needed, for example, suspicious bunch of registrations in the RPD or PPM.

Impact Assessment (2)

4.2 Legal

- The RIRs usage of rough consensus comes from IETF RFC7282. The proposal doesn’t change how this is done, just clarify from where it comes and how is handled so everyone is aware.
- There is no text in the proposal that creates the impression that the board is obligated to ratify a proposal (“ratify” or “return”).

Impact Assessment (3)

5. Staff Clarification Requests
   - The community can **always** keep discussing a proposal in the list, however, the adequate time for new objections is the Last Call.
   - An appeal is presented after chairs determined consensus, so only the 6-months expiry counter is in effect at that point.
   - The minimum 8-weeks discussion is for any PPV, except for the last call updated versions which is 2-weeks.