Subject: Appeal against the non-consensus determination on proposal AFPUB-2020-GEN-001-DRAFT01 (Policy Compliance Dashboard – Draft 1).

Dear Appeal Committee,

I'm appealing against the declaration of non-consensus made by the PDWG co-chairs during the open mic session of the AFRINIC32 on-line meeting, on 17th September 2020 (https://www.youtube.com/watch?v=F7EJploR38c&t=3h29m48s), confirmed in the mailing list on 21st September (https://lists.afrinic.net/pipermail/rpd/2020/011372.html).

I consider that the valid formal announcement of the decision is the one on the RPD list, as it is the one that contains in a complete, clear and readable format, the chairs reasoning for their decision. In this summary, the co-chairs indicated:

> "5.   Policy Compliance Dashboard
>
> The policy proposal seeks to provide a framework or a policy compliance dashboard be developed by AFRINIC and incorporated in myAFRINIC (and future member's communication platforms). It will allow a periodic review of the policy compliance status of each member. It will also enable members to receive automated notifications for any issue. Staff will receive repeated warnings of lack of compliance or severe violations enshrined in the CPM. However, there are several oppositions to this proposal, such as:
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> a.   This policy seems to be redundant of the status quo as violations are already checked and processed by the human staff.
> b.   There is already an existing system of guidelines on keeping track of the violations of members.
> c.   The policy is not binding and does not enforce members actually to follow the rules and not violate policies.
> d.   Ignorance could be a convenient excuse for violations because one could claim that they never got notified about their violations.
> e.   There is no comprehensive system on how the board should take proper actions once members violate policies, nor does it give guidelines based on the severity of the violations.
> f.   This policy takes away resources that could be used for more beneficial pursuits to AFRINIC for something existing in the system.
> g.   It an administrative process, and this should be left to staff
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> Chairs Decision: NO rough Consensus"

Date of the appeal: 1/10/2020

Date of the decision made by the Chair(s):   17/9/2020

Reference to the chair(s) decision:
https://lists.afrinic.net/pipermail/rpd/2020/011372.html

Evidence of a failed attempt to resolve the disagreement through discussion

The following links to emails in the RPD list archive, show how several community members, in addition to the author, have clarified the aspects that the chairs considered as valid-objections for declaring non-consensus in this proposal, both before and after the decision. Note that for brevity, only the first email (in chronological order) of each contributor is being listed, as several of them continued the discussion afterwards:

Jordi Palet (https://lists.afrinic.net/pipermail/rpd/2020/010904.html)
Mike Silber (https://lists.afrinic.net/pipermail/rpd/2020/010909.html)
Sylvain Baya (https://lists.afrinic.net/pipermail/rpd/2020/011069.html)
Frank Habitch (https://lists.afrinic.net/pipermail/rpd/2020/011247.html)
Mark Elkins (https://lists.afrinic.net/pipermail/rpd/2020/011262.html)
Jaco Kroon (https://lists.afrinic.net/pipermail/rpd/2020/011302.html)

All them will be copied in the appeal submission, in order to seek their support for the appeal.

Detailed description of the grounds for appeal

My understanding is that there are both, generic issues in the overall consensus determination done by the co-chairs, and specific issues regarding this proposal.

All the aspects cited in the following lines have been extensively discussed in the list after the chair(s) decision. Many of them were already clarified an identified by the author and other community members as non-valid objections during the previous discussion and during the meeting.

1. Generic issues in the consensus determination.

   Despite the good faith of the co-chairs, they haven't properly followed the PDP, and indeed it has been violated in several aspects. Good intentions can never be accepted as an excuse if that means not strictly following the PDP, as there is no way to have a clear border line of what is acceptable and what not.

   1.1. PDP section 3.3. states "The Policy Development Working Group has two Chairs to perform its administrative functions". This means the management of the PDWG, the PPM, the RPD list and determine consensus.

1.2. The determination of the rough consensus is made explicit by section 3.4.2., which states "The Chair(s) determine(s) whether rough consensus has been achieved during the Public Policy Meeting".

1.3. The PDP doesn't provide any authorization to allow the co-chairs to determine consensus by making it conditional or even suggesting the authors to change the proposal text in order to be able to confirm consensus and move it to the "Last Call". The section 3.4.3. states only "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 and during this period and decide whether consensus has been achieved".

1.4. There is no mention in the PDP of any possible change. It is understandable that editorial suggestions may be arranged, and this has been the practice for several years. The changes being suggested for one of the policies brough to the last call, have not been simple editorial changes but rather complex policy text changes that are yet to be discussed by the Working Group.

1.5. It is even less understandable that the opportunity to change text "in order to be able to declare consensus" is not provided in an indiscriminate and fair way to all the proposals. Could it be possible that all the proposals by just changing some points, could reach consensus in each PPM? Why then is it needed, following PDP section 3.4.1., that "The author(s) shall make the necessary changes to the draft policy according to the feedback received", so having new versions to accommodate the community inputs?

1.6. Suggestions from the chairs are always welcome, however, they should state that those are "suggestions", and clearly mark them as inputs from community members (chair-hat-off). And in that case, will be considered by the authors, which will be free to address them. Chairs should also summarize the community discussion (chair-hat-on), in an objective and non-intrusive manner, as part of the rationale for the decision about the rough consensus, and more specifically stating what are the valid-objections that haven't been addressed neither by the authors nor the community.

1.7. Further to that, the chairs indicated on 22nd September (https://lists.afrinic.net/pipermail/rpd/2020/011415.html), that they acted in order to come with the "best solution" based on CPM section 3.2.3. (Fairness), however, the complete section 3.1 (Scope of the PDP), is towards the community, as re-stated in section 3.2. (Policy Development Principles), not in order to attribute special prerogatives to the co-chairs, and this can be observed because the co-chairs are only named after that section.

2. Specific issues regarding the proposal being appealed.

2.1. "a. This policy seems to be redundant of the status quo as violations are already checked and processed by the human staff"
It is close to ridiculous to consider that it is redundant to automate something instead of using a manual human processing, especially when all the operators and enterprises managing networks, and consequently Internet number resources use as much as possible automation. Human processing is prone to more errors, inefficiency, being slower, resource consuming and costly for the staff, the AFRINIC organization and consequently the members and the community. So objectively, automating procedures **can't be a valid objection for any policy proposal** with the current CPM. Even the staff mention the benefits in the impact analysis.

2.2. "b. There is already an existing system of guidelines on keeping track of the violations of members"
Both the RSA and the bylaws have generic provisions, as already explained in the proposal. The community is empowered to further extend those guidelines to the staff, as we do with all the policies. Otherwise, we will not need a PDP. So, there is nothing that precludes the community to provide more explicit details which also will protect the members against mistakes, which according to the legal documents today, can perfectly bring the staff to a decision of immediate resource reclamation. As a consequence, this aspect **can't be taken as a valid objection for any policy proposal**.

2.3. "c. The policy is not binding and does not enforce members actually to follow the rules and not violate policies"
All the policies are binding for all the members. This is clearly stated in the legal documents. Clearly, this **can't be taken as a valid objection against any policy proposal**.

2.4. "d. Ignorance could be a convenient excuse for violations because one could claim that they never got notified about their violations"
On the other way around, this is the actual status quo. This policy ensures that ignorance can't be used as an excuse, because the dashboard systems will send alerts and show them also in the member account in MyAfrinic and any systems that the staff decides to implement. Consequently, this **can't be taken as a valid objection against this policy proposal**.

2.5. "e. There is no comprehensive system on how the board should take proper actions once members violate policies, nor does it give guidelines based on the severity of the violations"
This is on purpose and in fact **doesn't makes the actual situation worst,** in fact it is improved in very severe cases as described by the proposal section 5. There are different severity levels for other

violations, and this even may depend on circumstances, so it is up to the operational details of the implementation and staff decisions to better detail it, which can be done in consultancy with the community. If the community think the staff is not doing that correctly, then a new proposal can be submitted, but with this proposal we have a starting point at least. Trying to agree on if making a "mistake", if is not a repetitive violation, on this or that part of the CPM is more or less severe than doing 3 times wrong this or that, will be and endless discussion and too much operational. Once more, considering that it is improving vs the actual situation, it is clear that this **can't be taken as a valid objection against the proposal**.

2.6. "f. This policy takes away resources that could be used for more beneficial pursuits to AFRINIC for something existing in the system"
On the other way around. It is clear that automation **save resources**. The policy doesn't state how or when it should be implemented, and it is just fine that the staff defines what parts of the CPM are implemented when they wish and in what order, depending on the availability of the human resources, unless the board decides that this is key and should be implemented faster. So, being silent on that the policy, it **can't be taken as a valid objection against the proposal**. It should be also understood the reason why the board need to ratify policies: to ensure that they don't represent a trouble for AFRINIC as a membership organization, so it can be said that the implementation cost can't be considered from the perspective of the community, a valid objection because the community is not related to the membership in that sense, it is an independent level of protection (the board), otherwise as almost every policy proposal has implementation costs that could be abused by any community participant to object every policy proposal.

2.7. "g. It an administrative process, and this should be left to staff"
Is not. The policy is silent in many aspects that could be in the limit of operational details. In fact, as an example of that, LACNIC has adopted an equivalent proposal and is being implemented and they key is that LACNIC is very specific that operational details are, out of the scope of the PDP and the chairs could have rejected the proposal if it was the case. The community has the right to ensure that the policy compliance is monitored in a way that, because it is automated, doesn't make a difference in how much time the staff has to do that manually and then do it faster for some resource holders than others. Automation makes it quick (no difference among resource holders), human means you do it for each resource holder "when you can". Trying to make this in a way that is fair for all members by humans, will mean having almost as many staff human resources for each "validation" pass as resource holders. It will also mean that you do a reduced number of "passes" per year, while automation means you can do it every week or month, because being automated, doesn't increase the cost once it is implemented, and this can be implemented in a "slow start" approach with every piece of the CPM, not all in a single shot.

Please confirm the reception of this appeal and that all the requirements are met.

I remain at your disposal for further clarifications which may help to resolve this appeal as soon as possible.

Thanks in advance for your work!

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