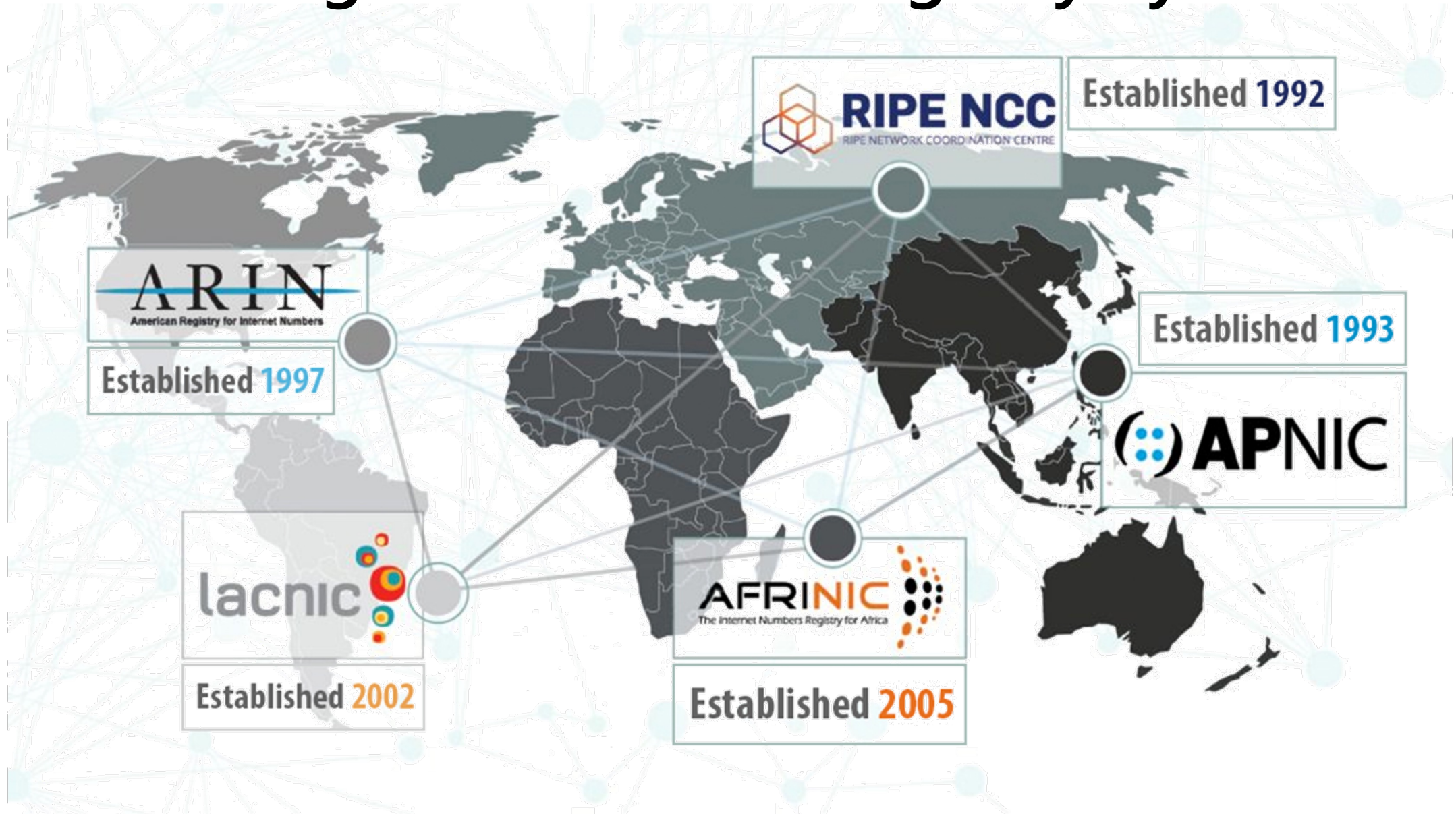


Status of AFRINIC

John Curran | *President & CEO*

The Regional Internet Registry System



Background



ARIN does not normally comment on disputes or related litigation occurring at another Regional Internet Registry (RIR).



Provide insight into the nature of the dispute, to highlight some aspects of the ongoing litigation

Timeline of Legal Developments



Timeline of Legal Developments



2020

AFRINIC completed
a Registry Audit

A determination that **resources were not being utilized for the purposes for which they were issued** and would be revoked (after a suitable time to allow customer migration of those resources)

More information was required from an AFRINIC customer "Cloud Innovation" (principle Mr. Lu Heng)

Cloud Innovation **disputed AFRINIC's authority** to enforce this provision of its customer agreement

Timeline of Legal Developments



One motion **freezes AFRINIC's accounts** and thus has the potential to hamper AFRINIC's operations

AFRINIC announces annual election with irregular election structure

Injunction sought by Larus Cloud Limited, and granted *ex parte* by the Court, **preventing AFRINIC from holding its annual elections**

Cloud Innovation engaged in several **legal actions in the courts in Mauritius** to prevent having to return the address blocks to AFRINIC

After approx. 2.5 months, AFRINIC successfully has **freezing order removed**

Filing by a registered member of AFRINIC seeking the **appointment of Directors to the Board to constitute quorum** (list of proposed candidates was provided by African Telecommunications Union)

Litigation

Litigation

- AFRINIC subject to over 40 claims
- Majority of cases involve Cloud Innovation
- Freezing financial accounts for 2 ½ months
- Interference in the operations of AFRINIC

Governance, Elections, and Board Lawsuits

Governance, Elections, and Board Lawsuits

Injunction
prevents
annual
elections





No Quorum of
the AFRINIC
Board of
Directors



Seeking court
relief to appoint
Directors

Governance, Elections, and Board Lawsuits

Current public relations campaign against AFRINIC by the Number Resource Society (NRS)

The NRS is in no way affiliated or connected with the Number Resource
 Organization (NRO) 

Governance, Elections, and Board Lawsuits

Public relations campaign by the NRS
against

- AFRINIC's previous CEO
- Other individuals that have expressed support for AFRINIC

Governance, Elections, and Board Lawsuits

It is of utmost importance to ensure fair, transparent,
and trustworthy elections in AFRINIC.

NRO Public Response

12 July 2022

NRO Letter to Mauritius Government



"For the last 12 months, AFRINIC has been inappropriately disrupted in its ability to perform its critical functions. Over 25 lawsuits have been filed against it by an entity known as Cloud Innovation Ltd, with registered address in Seychelles, and which is owned and controlled by a Mr. Lu Heng, a resident of Hong Kong."

21 March 2023

NRO Letter to ICANN



"The NRO believes that a free and fair AFRINIC election requires an effective activation of the AFRINIC membership and community towards informed participation. This process is underway, but it requires adequate and urgent resourcing to be as effective as possible in reaching every member of the AFRINIC community."

ARIN's Communication to the Community

AFRINIC – Current Status



- There remains significant pending litigation
- Insufficient directors to convene a Board Meeting or call a Members Meeting (necessary to elect additional directors)
- Petitions to court for appointment of temporary directors have not been granted
- Bylaws provided the CEO limited emergency powers with consent of the Chair
- CEO Eddy Kayihura departed on 4 November 2022
- Still operating properly (running services, handling customer inquiries, etc.) The crisis faced is with respect to governance

AFRINIC – Next Steps

Next steps are to be determined

Efforts are underway to seek an order from the Mauritian Court to allow for calling of a members meeting and election of Board members

ARIN is standing by and has offered operational and financial support (to the extent needed)

Thank You

