



RIPE NCC
RIPE NETWORK COORDINATION CENTRE

RIPE NCC Conflict Arbitration Procedure

Proposed Changes



Update Since Last Amendments

- Last update to the Arbitration Procedure occurred in October 2017 at RIPE 75
- Since this time there have been eight Arbitration cases and the Arbiters Panel has made one evaluation of an IPv6 allocation requested by the RIPE NCC.
 - ❑ All reports for completed arbitration cases and evaluations based on requests from the RIPE NCC for Internet number resources are published on the RIPE NCC website:
<https://www.ripe.net/about-us/legal/arbitration/summary-of-arbitration-rulings/>
- The Arbiters Panel has met annually, generally at a RIPE Meeting.
- In May 2018, five members of the Arbiters Panel were appointed by the GM and one member of the Arbiters Panel stepped down from his position.
- Sander Steffann resigned from his position as arbiter following his election to the RIPE NCC Executive Board at RIPE 88 in May 2024.

Arbiters Panel Meet in Amsterdam



- In September 2024, six members of the Arbiters Panel met face-to-face in Amsterdam to discuss updating the Arbitration Procedure.
- The Amendments proposed to the GM today are those which were discussed at this meeting.



Proposed Amendments:

- Introduction of a five-year term for members of the Arbiters Panel (Section B.1.)
- The requirement for both current and future arbiters to submit a signed statement similar to what is currently required of the Executive Board candidates (Sections B.2.1 and B.2.2).
- Introduction of mechanism to initiate the dismissal of a member of the Arbiters Panel due to a possible conflict of interest violation or due to a violation of the RIPE Code of Conduct (Section B.2.3).
- Arbitration cases to be rejected if the dispute has already been ruled upon by a competent court or by the Arbiters Panel and the introduction of a mechanism to dispute such a rejection (Section C.1).
- Allow a party in Arbitration to request the removal of a chosen arbiter due to conflict of interest (Sections C.2.1 and C.2.2).
- Allow chosen Arbiter to request notarised documents from a party in Arbitration (Section C.3.).



Proposed Amendments

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- Allow chosen Arbiter to request notarised documents from a party in Arbitration (Section C.3.)

Amendment 1 : Term of Appointment



Term of Appointment for Arbiters

- Currently, there is no term of appointment for members of the Arbiters Panel.
- Proposal that arbiters may serve for a five-year term following which they can put themselves forward for immediate re-appointment at the subsequent GM.
- To not disrupt the continuity of the Arbiters Panel, it is proposed that this amendment would not apply to the current terms of the current Arbiters Panel (all of whom have been in their position for more than five years).
- Instead, the terms of the current arbiters will expire in the order of their original appointment, beginning in 2026 in the order laid out below:
 - 2001 Appointed Arbiters [1 Arbiter] = term expires in 2026
 - 2010 Appointed Arbiters [3 Arbiters] = term expires in 2027
 - 2011 Appointed Arbiters [1 Arbiters] = term expires in 2028
 - 2018 Appointed Arbiters [4 Arbiters] = term expires in 2029

The relevant arbiters shall be eligible for immediate re-appointment.

Amendment 1 : Term of appointment



Proposed Change

Section B.1. General

The tasks described above (in section A) are assigned to the arbiters. All arbiters jointly are referred to as the Arbiters Panel.

The RIPE NCC must make sure that there are at least seven (7) arbiters sitting on the Arbiters Panel at all times but it should not consist of more than fifteen (15) persons.

Membership in the Arbiters Panel shall become effective at the end of the RIPE NCC General Meeting (GM) at which the arbiter was appointed and shall automatically terminate at the end of the GM in the fifth calendar year after the year in which the arbiter was appointed. An arbiter shall be eligible for immediate re-appointment.



Proposed Amendments

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- Introduction of mechanism to initiate the dismissal of a member of the Arbiters Panel due to a possible conflict of interest or due to a violation of the RIPE Code of Conduct (Section B.2.3).
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- Allow chosen Arbiter to request notarised documents from a party in Arbitration (Section C.3.)



Requirement to submit a signed statement

- Introduction of a specific requirement for members of the Arbiters Panel to submit a signed statement where they agree to:
 - Adhere to the RIPE Code of Conduct, and
 - Confirm that they have never committed fraud or other financial misconduct in any jurisdiction.
- This requirement is similar to what is currently required of the Executive Board candidates and is expected to be adhered to by both the current arbiters and future applicants for an arbiter position.

Amendment 2 : Signed Statement for Arbiters Panel



Proposed Change

Section B.2.1. Criteria

(...)

Arbiters must submit a signed statement declaring their adherence to the RIPE Code of Conduct and that they never committed fraud or other financial misconduct in any jurisdiction. This statement must be confirmed by them on a yearly basis.

Section B.2.2. Procedure

(...)

Applicants must also submit a signed statement declaring their adherence to the RIPE Code of Conduct and that they never committed fraud or other financial misconduct in any jurisdiction.



Proposed Amendments

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- **Introduction of mechanism to initiate the dismissal of a member of the Arbiters Panel due to a possible conflict of interest or due to a violation of the RIPE Code of Conduct (Section B.2.3).**
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- Allow chosen Arbiter to request notarised documents from a party in Arbitration (Section C.3.)



Dismissal of a member of the Arbiters Panel

- It will remain the case that the GM has the authority to dismiss an Arbiter if a proposal is brought forward by the RIPE NCC Executive Board.
- This proposal will allow the Arbiters Panel to also recommend to the RIPE NCC Executive Board that a proposal for the dismissal of a member of the Arbiters Panel should be brought forward to the GM.
- Such a request may be made to the RIPE NCC Executive Board by the Arbiters Panel if the Arbiters Panel, by majority decision, find that there has been a possible conflict of interest violation with regards to a member of the Arbiters Panel or if there has been a violation of the RIPE Code of Conduct by a member of the Arbiters Panel.

Amendment 3 : Dismissal of Arbiter Mechanism



Proposed Change

Section B.2.3. Dismissal

(...)

The Arbiters Panel may, by a majority decision of the full Arbiters Panel, request that the Executive Board puts forward a resolution for the GM to dismiss a member of the Arbiters' Panel due to a possible conflict of interest violation or due to a violation of the RIPE Code of Conduct. The arbiter whose name is at the top of the list will take responsibility for processing the request and for concluding and making a final call on the decision.

The GM has the authority to dismiss an arbiter. Until this arbiter resigns or is dismissed, they are entitled to undertake any of the arbiters' tasks.



Proposed Amendments

- Introduction of a 5-year term for members of the Arbiters panel (Section B.1.)
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- **Arbitration cases to be rejected if the dispute has already been ruled upon by a competent court or by the arbiters panel and the introduction of a mechanism to dispute such a rejection (Section C.1).**
- Allow a party in Arbitration to request the removal of a chosen arbiter due to conflict of interest (Sections C.2.1 and C.2.2).
- Allow chosen Arbiter to request notarised documents from a party in Arbitration (Section C.3.).

Amendment 4: Rejection of Request for Arbitration



Rejection of duplicate cases or those already ruled upon by the courts

- This amendment provides that a request for arbitration be rejected if the dispute has already been ruled upon by a competent court or by the Arbiters Panel.
- It also introduces a mechanism to allow the initiating party to challenge a rejection made on this ground if they believe that the facts of the case have substantially changed since such a ruling was made.
- A majority of the Arbiters Panel will, in such cases, examine the request and provide a final verdict as to whether arbitration can proceed.

Amendment 4: Rejection of Request for Arbitration



Proposed Change

Section C.1. Initiation of the Procedure

(...)

The Request for Arbitration Form shall be rejected if the submitted request refers to a dispute which has:

- a) Received a ruling by a competent national court; or**
- b) Received a ruling by the arbiters panel.**

In the case of a) or b) above, a party to the dispute may provide a formal written opinion requesting that the Arbiters Panel perform an evaluation as to whether the Request for Arbitration form refers to a dispute which is substantially different to that which has already received a ruling either by the arbiters panel or a competent national court.

The request will be evaluated by a majority of the full Arbiters Panel. The Arbiters Panel shall communicate their decision regarding this request within two calendar weeks from the date of the request and inform the parties to the dispute as to whether the Request for Arbitration Form is either approved or rejected. The arbiter whose name is at the top of the list will take responsibility for processing the request and for concluding and making a final call on the decision.

(...)



Proposed Amendments

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- **Allow a party in Arbitration to request the removal of a chosen arbiter due to conflict of interest (Sections C.2.1 and C.2.2).**
- Allow chosen Arbiter to request notarised documents from a party in Arbitration (Section C.3.).

Amendment 5: Request to Remove Chosen Arbiter



Mechanism to remove chosen arbiter to a case

- This amendment introduces a mechanism to allow a party to the dispute to request the removal of a chosen arbiter at any time during a case if they believe there is a credible conflict of interest with the arbiter in question.
- Such a request will be reviewed by a majority of the Arbiters Panel who will make a final verdict on the request.

Amendment 5: Request to remove chosen arbiter



Proposed Change

Section C.2.2.1. Provision of information and undertaking arbiter

(...)

If this arbiter is not acceptable to either party, the next arbiter in the list will be put forward (...)

The parties do not have the option to object to arbitration by this arbiter **unless a possible conflict of interest becomes apparent (see section C.2.2).**

Section C.2.2.2 Conflict of Interest

(...)

At any stage in the procedure either party to the dispute may provide a formal written opinion requesting that the Arbiters Panel perform an evaluation as to whether a conflict of interest has become apparent and request the removal of this arbiter from the procedure.

The request will be evaluated by a majority of the full Arbiters Panel. The Arbiters Panel shall communicate their decision to this request within two calendar weeks from the date of the request and inform the parties to the dispute as to whether the arbiter concerned must recuse themselves from the procedure. The arbiter whose name is at the top of the list will take responsibility for processing the request and for concluding and making a final call on the decision. If the request leads to the removal of this arbiter, the next arbiter in the list will be put forward and will communicate with the parties instead. Both parties will have to sign an indemnification statement with regards to the new arbiter.



Proposed Amendments

- Introduction of a 5-year term for members of the Arbiters panel (Section B.1.).
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- Introduction of mechanism to initiate the dismissal of a member of the Arbiters Panel due to a possible conflict of interest or due to a violation of the RIPE Code of Conduct (Section B.2.3).
- Arbitration cases to be rejected if the dispute has already been ruled upon by a competent court or by the arbiters panel and the introduction of a mechanism to dispute such a rejection (Section C.1).
- Allow a party in Arbitration to request the removal of a chosen arbiter due to conflict of interest (Sections C.2.1 and C.2.2).
- **Allow chosen Arbiter to request notarised documents from a party in Arbitration (Section C.3.).**

Amendment 6: Request for Notarisation of documents



Mechanism to allow chosen arbiter to request notarised documents

- Arbiters have, at times in the past, struggled with whether the accuracy of documents and the translation of documents, provided to them during the course of arbitration, can be relied on.
- Introducing a mechanism which would allow a chosen arbiter to request for the notarisation of relevant documents, should it be required, will provide the Arbiters Panel with a trusted means to verify the authenticity of documents provided to them.
- This amendment will therefore introduce a mechanism to allow an arbiter to request that relevant documentation is notarised to prove its accuracy.
- If a party to the dispute is requested to provide notarised documents and fails to do so, the arbiter may assume that any statements which the document is intending to support are not valid.
- Note that it is provided for in the Arbitration Procedure that costs up to €5,000 may be collected by the losing party according to section C.7.

Amendment 6: Request for Notarisation of documents



Proposed Change

Section 3 Submission of Information

(...)

The arbiter may request that a party to the dispute arrange for the notarisation of relevant documentation, which has been submitted by the party, by a notary public residing within the same country as the requested party. The requested party must submit the notarised documentation within two weeks of the request being made. If the party fails to obtain notarisation of a document after it has been requested by the arbiter, the arbiter may assume that any statement(s) the document is intended to support is not valid. If there is sufficient justification, the time frame can be extended for two calendar weeks.



Resolution 3

The General Meeting adopts the amendments to Section B.1. of the RIPE NCC Conflict Arbitration Procedure. It further resolves that these amendments do not apply to the current terms of the current arbiters. Instead, the terms of the current arbiters will expire in the order of their original appointment, beginning in 2026. Specifically, the term of arbiters appointed in 2001 will expire in 2026, the term of those appointed in 2010 will expire in 2027, the term of those appointed in 2011 will expire in 2028, and the term of those appointed in 2018 will expire in 2029. The relevant arbiters shall be eligible for immediate re-appointment accordingly.

- By adopting this resolution, the GM will agree to amend the Arbitration Procedure to include wording that arbiters will serve 5 year terms.



Resolution 4

The General Meeting adopts the amendments to sections B.2.1. and B.2.2. of the RIPE NCC Conflict Arbitration Procedure.

- By adopting this resolution, the GM will agree to amend the Arbitration Procedure to include wording that arbiters, both current and future, will have to submit a signed statement indicating that they will adhere to the RIPE Code of Conduct and confirm that they have never committed fraud or other financial misconduct in any jurisdiction.



Resolution 5

The General Meeting adopts the amendments to sections B.2.3. of the RIPE NCC Conflict Arbitration Procedure.

- By adopting this resolution, the GM will agree to amend the Arbitration Procedure to include wording that will allow the Arbiters Panel to recommend to the RIPE NCC Executive Board that a proposal for the dismissal of a member of the Arbiters Panel should be brought forward to the GM.



Resolution 6

The General Meeting adopts the amendments to section C.1. of the RIPE NCC Conflict Arbitration Procedure.

- By adopting this resolution, the GM will agree to amend the Arbitration Procedure to include wording that a request for arbitration be rejected if the dispute has already been ruled upon by a competent court or by the Arbiters Panel.
- It also introduces a mechanism to allow the initiating party to challenge a rejection made on this ground if they believe that the facts of the case have substantially changed since such a ruling was made.



Resolution 7

The General Meeting adopts the amendments to sections C.2.1. and C.2.2. of the RIPE NCC Conflict Arbitration Procedure.

- By adopting this resolution, the GM will agree to amend the Arbitration Procedure to include wording that will allow a party to the dispute to request the removal of a chosen arbiter at any time during a case if they believe there is a credible conflict of interest with the arbiter in question.



Resolution 8

The General Meeting adopts the amendments to section C.3. of the RIPE NCC Conflict Arbitration Procedure.

- By adopting this resolution, the GM will agree to amend the Arbitration Procedure to include wording that will allow a chosen arbiter to an arbitration dispute to request that relevant documentation is notarised to prove its accuracy.

Resolutions 3-8:



Resolution 3: The General Meeting adopts the amendments to Section B.1. of the RIPE NCC Conflict Arbitration Procedure. It further resolves that these amendments do not apply to the current terms of the current arbiters. Instead, the terms of the current arbiters will expire in the order of their original appointment, beginning in 2026. Specifically, the term of arbiters appointed in 2001 will expire in 2026, the term of those appointed in 2010 will expire in 2027, the term of those appointed in 2011 will expire in 2028, and the term of those appointed in 2018 will expire in 2029. The relevant arbiters shall be eligible for immediate re-appointment accordingly.

Resolution 4: The General Meeting adopts the amendments to sections B.2.1. and B.2.2. of the RIPE NCC Conflict Arbitration Procedure.

Resolution 5: The General Meeting adopts the amendments to sections B.2.3. of the RIPE NCC Conflict Arbitration Procedure.

Resolution 6: The General Meeting adopts the amendments to section C.1. of the RIPE NCC Conflict Arbitration Procedure.

Resolution 7: The General Meeting adopts the amendments to sections C.2.1. and C.2.2. of the RIPE NCC Conflict Arbitration Procedure.

Resolution 8: The General Meeting adopts the amendments to section C.3. of the RIPE NCC Conflict Arbitration Procedure.

Voting takes place under agenda point 10



Questions & Comments



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THANK YOU!