

Request to Recall and Replace the AFRINIC PDWG Co-chairs.

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Dear AFRINIC Board,

We write to ask for the current PDPWG co-chairs to be recalled. Below are the justifications.

We present the course of events since the election of the co-chairs at AFRINIC-30 to recent virtual AFRINIC-32, describing the inappropriateness in the co-chairs behaviours, the impacts on the working group performance and on the AFRINIC development process. We conclude with the necessity to recall the co-chairs as the unique solution to restore the normal operations of the policy development working group in order to fulfil the RIR's commitment to a bottom-up, open and transparent policies development accessible to all interested parties.

A. Controversial elections of the co-chairs

Due to resignation of co-chair and failure to elect co-chair at AFRINIC-28 in Dakar, the WG found itself in the obligation to elect 2 co-chairs {contrary to the principle of selecting one fresh per year to guarantee certain continuity and reduce the risk of collusion}

The current co-chairs were elected during AFRINIC-30 held in Kampala in 2019.

During the election process it was observed that:

- Participants were recruited and brought in to vote
- National anthem of Uganda was sang after the announcement of the results of the election which had Moses from Uganda (2 years term) and Abdulkarim (1 year term) from Nigeria elected

The protests changed nothing and the two co-chairs were confirmed

https://youtu.be/8tA_wOHd-dQ

Finding 1

[The WG was then left with 2 new co-chairs with no active participation records and no response experience with the PDPWG practices and the PDP]

B. The PPM at AFRINIC-31 Luanda

The PPM held in Angola in December 2019 was the first meeting to be chaired by the 2 co-chairs.

1- Following the suspicion that the election of co-chairs in Kampala was sponsored by a particular organization, it had been observed and reported by a participant at the opening of the meeting that the co-chairs were taken to a particular hotel to discuss the proceedings of the meeting.

Investigations were requested by the participant and supported by others. The board did not act as nothing was reported back.

2- During the meeting, it was observed that the co-chairs were not capable and showed bias in many regards:

- Moderation of the discussions

- Enforcement of the CoC
- The approach to consensus

They tried to manipulate the WG and the PDP by suggesting to authors of 2 proposals to team together while there was a 3rd proposal

<https://youtu.be/DF0AFeaNiS0>

3:07:30 - 3:11:00

Only one proposal reached consensus according to co-chairs even though it was obvious that most of the objections raised were baseless and fanciful.

For the ASO ROA proposal, which was taken to last call, it was declared that the consensus was not confirmed due mostly to the repetition of the dummy objections raised during the meeting.

All the protests on the mailing list changed nothing.

The appeal filed against the decision was unsuccessful as was rejected by the Appeal Committee for its incompleteness because the appellant has not explicitly specified the 3 other persons who support the appeal.

<https://lists.afrinic.net/pipermail/rpd/2020/010393.html>

The Working Group therefore wasted valuable time and resources as none of the proposals under discussions advanced to the next phase or advanced in the discussion in resolving objections or showing difficulties with proposals.

3- During the protests and discussions regarding the co-chairs attitude during the meeting, Abdulkarim asked senior members of the community to retire and go away. By doing so, he showed his incapacity to handle contradictions, which is an important element of WG administrative role co-chairs play. That was an utter disregard to experience and merit.

<https://lists.afrinic.net/pipermail/rpd/2019/010222.html>

<https://lists.afrinic.net/pipermail/rpd/2019/010235.html>

Finding 2

[The lack of experience with the PDP and the WG procedures and the suspected lack of neutrality of the co-chairs impacted the proceedings of the meeting, reinforcing the concerns of some and the fear of others]

C. Virtual PPM AFRINIC-32

Between AFRINIC-31 and AFRINIC-32, discussions stalled on the mailing list. Co-chairs did nothing to continue the discussions online, get the objections addressed and clarify the situation of most proposals.

With 3 inter-RIR policy proposals on the table, co-chairs were not able to organize the discussions to enable the WG to understand the Pros and Cons of each proposal, in order to lead the community towards a consensual proposal which is in the best interest of the region.

They have made their minds and selected which proposal to push forward as demonstrated at AFRINIC-31.

1- The covid-19 pandemic made it impossible to have a physical meeting.

Co-chairs also did nothing to get the WG to address the 2 main issues which arose:

- online meeting or not
- election or not of co-chair

<https://lists.afrinic.net/pipermail/rpd/2020/010753.html>

2- Staff took the lead by asking the WG how to proceed. These 2 points were very controversial.

Staff concluded for an online meeting including electronic voting with the voter register being participants registered on the RPD mailing list, 6 months before the elections.

<https://lists.afrinic.net/pipermail/rpd/2020/010891.html>

3- Because of the impossibility of having face to face elections due to the pandemic and for sake of stability, the other 3 candidates accepted by NomCom stepped down for the incumbent co-chair to continue, if the WG wishes, on the condition that he does a better job in terms of handling the WG activities and following the PDP.

<https://lists.afrinic.net/pipermail/rpd/2020/011138.html>

<https://lists.afrinic.net/pipermail/rpd/2020/011142.html>

4- During the virtual PPM, the same behaviour of the co-chairs persisted. The decisions made were all rejected and appealed.

Co-chairs violated the PDP in many regards:

- Co-chairs decided referring to some objections raised and even not-raised, which ones are valid and yet failed to say why comments and explanations provided by authors and the participants on the raised and discussed issues, were unsatisfactory.
- When making a decision on the Inter-RIR proposal, only the authors of 2 proposals were given a chance to respond to questions from the co-chairs. Co-chairs have decided that the 3rd proposal is far from reaching consensus
- In most cases the “valid” objections found by Co-chairs are inaccurate and not related to the proposal referred to.

- Staff request for consultation with other RIRs about compatibility of all the proposals was denied
<https://lists.afrinic.net/pipermail/rpd/2020/011420.htm>

- Co-chairs made unilateral decisions on which amendments are to be made to proposals for them to reach consensus.

5- Co-chairs appear to be deciding and injecting new issues not previously mentioned in the working group. The co-chairs are not following due process of hearing authors and in a hurry to decide for the working group. Co-chairs appear to have an interest in a particular proposal which when closely studied show it's a proposal that does not want AFRINIC involved in the inter-RIR transfer procedures. It is designed to benefit a member and injure AFRINIC.

<https://lists.afrinic.net/pipermail/rpd/2020/011372.html>

<https://www.youtube.com/watch?v=F7EJploR38c&t=3h29m48s>

6- From all the protests against the justifications of their decisions following the announcement of their decisions, co-chairs only offer one response which did not respond to or address any of the points raised against the decisions made.

<https://lists.afrinic.net/pipermail/rpd/2020/011415.html>

Appeals were filed against their decisions of non-consensus on some proposals

- Abuse Contact Policy Update: <https://lists.afrinic.net/pipermail/rpd/2020/011551.html>
- RPKI ROAs: <https://lists.afrinic.net/pipermail/rpd/2020/011588.html>
- Policy Compliance Dashboard: <https://lists.afrinic.net/pipermail/rpd/2020/011587.html>

7- Co-chairs started the last call on proposal without waiting for new version with their own amendments and did not specify the duration of the last call in clear violation of the PDP

8- Co-chairs violated the PDP which only gives them an administrative role in the PDP and usurped WG powers by unilaterally suggesting amendments to proposals and making these amendments conditions for consensus.

9- After the last call staff provided feedback from other RIRs in regard to the Reciprocity checks. It showed that the proposal under last call did not pass reciprocity check with ARIN and APNIC...

<https://lists.afrinic.net/pipermail/rpd/2020/011712.html>

10- During the last call, many participants demonstrated that the co-chairs' decisions were baseless. Many objections were raised on the proposal put in last call, forcing the authors to make a lot of substantial changes in violation of the PDP.

11- Co-chairs ended the last call and concluded that changes made were editorial changes and that based on the feedback received during the last call the consensus was confirmed and the proposal will be submitted to board for ratification.

Two appeals were filed against this decision of the co-chairs to recommend ratification of the draft policy to the board.

- <https://lists.afrinic.net/pipermail/rpd/2020/011753.html>
- <https://lists.afrinic.net/pipermail/rpd/2020/011887.html>

12- Instead of submitting and waiting for the appeal committee decision as per provisions of the PDP, co-chairs continue to aggressively defend their decision.

They even decided to extend for the “sake of prudence” the discussions for a week after ending the last call.

Another baseless decision attempted to create confusion, another evidence of the total disrespect and violation of the PDP by the co-chairs.

More violations of the PDP from co-chairs elected to respect, promote and defend the PDP

Finding 3

[Co-chairs persisted with the violation of the PDP, making unilateral decisions, demonstrated a lack of fairness and neutrality and therefore showed their inability to perform the role and assume the responsibilities.

Many participants have lost trust in the co-chairs and doubt the integrity of the PDP going forward

This dysfunctional PDP will jeopardize AFRINIC commitments from ICP-2 and stated in bylaws to provide a Bottom-up self-governance structure for setting local policies of which procedures must be open and transparent, be accessible to all interested parties, and ensure fair representation of all constituencies within the region.]

Conclusion

There are enough evidences in the development above summarized through the 3 findings that co-chairs pose a serious problem to AFRINIC Policy Development Process as it is now.

Even though appeals could be filed against decisions made by co-chairs, relying on appeal as common and normal practice is not a sustainable solution and would lead to the chaos.

Furthermore, co-chairs not doing the administrative role the PDP assigned to them negatively impacts the WG performances and weaken the Policy Development, which is a key element of the Internet Number Registry.

- The co-chairs have shown sustained disregard for PDP processes and deliberately making decisions for the WG.
- There is procedural impropriety in co-chairs following the existing PDP process
- The co-chairs have shown bias to proposals that is thought to benefit a member and harm the organization.
- Co-chairs showed that they did not understand proposals presented often mixing them. Co-chairs have been unreasonable by consistently failing to include discussed factors in decisions and yet included other un-discussed factors in their decisions.

- From AFRINIC-31 to AFRINIC-32 the co-chairs showed persistent attempts to violate the PDP, generating a lot of controversies, indignation and appeals. These behaviours are compromising the WG performance and reputation... some have been calling for Board to make policies to address issues as the WG seem to be incapable to build consensus around problems and possible solutions as a result
- The co-chairs continue to ignore the numerous calls to them to take the proposal back for further discussions.
- After closing the last call and confirming the consensus they declared at the PPM, co-chairs in violation of the PDP, kept extending a “fictitious discussion period “ on the proposal and made the same decisions <https://lists.afrinic.net/pipermail/rpd/2020/011989.html>
- Even with the working group disputing the decision by co-chair through filing of appeals to the Appeal Committee on the said proposal, the co-chairs have still gone ahead with their decision while appeals are outstanding thereby disregarding the role of the Appeal committee and the right of the working group.
- The behaviour of the co-chairs will irreparably damage the PDP and harm AFRINIC if not stopped.

Based on the above and considering the fact that all decisions and acts are made conjointly by the two co-chairs, we therefore request that, they are recalled together in application of section 3.5.3 of the PDP.

Board to lead the working group to appoint new co-chairs in accordance to section 3.3 of the PDP.