

Dear Recall Committee,

Date: 17th January 2021

1. We refer to the Petition dated 16th November 2020 and entitled as “Request to Recall and Replace the AFRINIC PDWG Co-chairs” (“**Petition**”). We hereby confirm that this written response is a joint explanation of the Co-chairs in response to the Petition.
2. For the avoidance of doubt and ease of reference, the requestor and the supporters of the requestor of the Petition will be hereinafter collectively referred to as the “Petitioner”.
3. **In reply to Point A of the Petition**, first of all, the co-chair's election is a democratic voting system that requires the participation of active and motivated people who would like to show their preference and voice out their opinion through a vote. Therefore, making an effort to garner people's affection and trust for them to cast their votes for a certain candidate does not imply that there has been certain recruitment. In reality, campaigning is permitted, and there is no barring of candidates contesting for the seat of co-chairs to campaign under the bylaws and the CPM. Therefore, winning an election thanks to the popular vote should not be a reason for the losing candidates to come up with false allegations just because they were not in the winning side. Our election was not controversial; we both won by a clear majority in Kampala. We did not recruit anyone to vote for us

In addition, we feel that the act of putting us in the spotlight due to certain quarters who do not see eye to eye with us is appalling. The accusations were laid without any basis nor did it come with any proof except for it to be a mere sweeping statement. This action of investigating co-chairs without proper evidence and diligence done is setting an extremely dangerous precedent. In fact, the accusations are extremely serious that we wish the Recall Committee would have requested the Petitioner to provide a substantial proof before acting on it.

We wish to further point out that we fail to see or understand the relevance of bearing the resignation of the co-chair and failure to elect a co-chair in Dakar has on our terms as co-chairs.

As for the celebration of the election results by singing the Ugandan national anthem, it also has no relevance in this case or on our duties as co-chairs. The public's reaction is completely out of our grasp. In addition, the last time we checked, being patriotic is not a crime. Moreover, the protests mentioned in the Petition were normal vocal reaction from a minority group in the community, which we consider a normal reaction from people who were in support of the other candidates. Again, this is the normal process of a normal election.

Both Co-chairs has more than 5 years combined experience between ourselves, have been active on the rpd mailing list as far back as 2 years before their elections. In addition to this, we have been part of the Internet Ecosystem holding various positions and have successfully held more complicated positions in the past. Therefore this finding is baseless and a way of bullying some people within the community. In fact, being new to a community is never a crime.

4. **In reply to Finding 1 of Point A of the Petition**, the accusation is merely the opinion of a certain quart, which unfortunately do not get their favourite candidate as co-chairs, and entertaining this claim will turn (i) AFRINIC, (ii) its bylaws and (iii) the mailing list into a political tool. Which we, must never allow this to happen.

In furtherance, this is something that we have no control about; therefore, this Petition has no bearing in the recall of the co-chairs.

We would like to conclude from Point A, that it should be not taken into consideration due to its lack of relevance and most importantly, due to the accusations that lack proof.

5. **In reply to section 1 of Point B of the Petition**, we wish to clarify that we have never facilitated the proceedings of the meeting based on whatever anyone has informed us. In fact, we make all of our

decisions fully based on our professional capacity as co-chairs. Kindly be informed that it is ubiquitous for us to encounter many people coming to us and providing their opinions to us. In such scenarios, we merely listen to the views of others out of politeness and courtesy, as this is just part and parcel of the job of being co-chairs. However, we wish to emphasize that in merely doing so, that does not necessarily mean that we will facilitate the proceedings of the meeting based what others have informed us, as this has never been our practice at all times throughout our tenure as co-chairs. For the avoidance of doubt, we wish to assert that all of our decisions and our commitment and involvement being the co-chairs of the community are all carried out in accordance to the volition of our decisions as co-chairs in our professional capacity and we are not, in any way, influenced by any organizations but have in fact been functioning for the best interest of the community. No one took us to any hotel to discuss any proceeding. Our elections we never sponsored by any organization. This is just baseless. The only meeting we had was in the open and with AFRINIC staff members who were trying to help us come to speed with the role and to make the meeting a success.

Obiter dictum, even if the allegations are true, we wish to assert that there is nothing wrong with talking and socializing with various people from the meeting far from the professional capacity. Clearly, the Petitioner's attempt to make something wrong out of this normal human behaviour must at least be supported by actual proof and not by mere words and belief. Furthermore, it should be noted that the Petitioner himself admits that the board did not act further on such allegations made by the Petitioner as the Petitioner's claims were unfounded without any solid evidence.

6. **In reply to section 2 of Point B of the Petition**, we wish to point out to the honourable Recall Committee that based on the video, there is no evidence of being bias or incompetence. As co-chairs, it is our duty to do what is best for the community. Therefore, we have made the effort of suggesting to both authors if they were willing to collaborate on a joint policy for the greater good and convenience of the community. There is nothing wrong with giving a suggestion that may solve an obstacle or a conflict within the community, especially that the last say belongs to both authors and not to the co-chairs, and that we did not enforce it. As for the ASO ROA policy proposal, it is within our right to not declare a consensus if it is not reached and if the author has not addressed the valid objections and arguments against the policy

7. We were never biased during the meeting; all we did was to make sure that we balance views. We also enforced the CoC and our approach to consensus was based on the rules of procedure as specified in the PDP manual. We never tried manipulating the authors in merging their proposal. We sent emails to all authors of conflicting proposals before the meeting asking if it would be possible to merge their proposal so that it can easily be understood by the community and this should also help us in reaching a decision. For the Inter RIR transfer proposal that was being referred too, we reached out to all the authors asking if they can speak to each other to merge the proposal. The authors of two of the three proposals came back to us that they are already in discussion and that they might be able to merge their proposals together. They also informed us that they tried reaching out to the authors of the last proposal but they were not forthcoming. Just before the commencement of the meeting in Angola, the authors of the two proposals walked to us and told us that they are ready to work together and we felt that it would be better to ask them to announce this publicly hence the reason why we called them to announce, but at that point, they indicated to us again that they have not yet fully agreed and no need making it public. Luckily all authors are still alive and they can corroborate us. Therefore this allegation is also baseless.

8. This finding in section B is also false and baseless. The suspicion of lack of neutrality is only in the heads of some few. All these events happened before the last election and the community still unanimously voted for Adulakarim for another term of 2 years. This is a clear show of support from the majority of the community members. This recall is only of the strategy to subvert the will of the community members.

9. **In reply to section 3 of Point B of the Petition**, it should be noted that the archives of the concerned discussion and many other ones can prove the constant attacks that some specific members have launched against the co-chairs, due to their own incapacity to handle the truth. Thus, the claims made on section 3 of Point B of the Petition should not state only one part of the whole context/situation, but rather in its entirety and especially from its beginning.

10. **In reply to Finding 2 of Point B of the Petition**, the PDP is a fair and inclusive process that concerns every single member of the community, regardless of their background. Becoming co-chairs have allowed us to gain more experience, a better perspective and a clearer vision of the community's needs and its development. If our fair judgments have displeased some minority group's views and convictions, it must not constitute as a sufficient reason to allege it as a "lack of neutrality", especially if the accusations are unfounded and lack proof thereof. Facts are of utmost importance, and we have performed our duties in accordance with the circumstances of each fact whilst abiding by the CPM at all times.
11. **In reply to section 1 of Point C of the Petition**, kindly be informed that the pandemic has affected all of us deeply and has resulted in unfortunate consequences to each person regardless of where they are or what they do. Due to the unprecedented situation, we have still made major efforts to guide the community while waiting for the unknown development of the covid19 situation that was beyond all of us and out of our control. Eddy's email that has addressed the situation back then is not proof of the absence of our reaction. The allegations made by the Petitioner in this section hereof, once again, is a mere opinion and doesn't hold water as it lacks evidence and proof.
12. We have constantly facilitated discussions on the mailing list, during our time as co-chair there is never a time we did nothing to move forward a discussion. We have always strived to clarify situations. We organized webinars where we invited authors to explain their proposal so that the community would have a clear understanding of the proposals. This is an innovation we introduced. In addition to this, we made sure we organized the discussion in such a way that the community would have a clear understanding of it. We gave a detailed report after the virtual PPM in question, and we are surprised that we are being accused of not doing what we are doing too well.
- We never made up our mind on any proposal they are based on the support or objections from the community. The people who authored the recall proposal do not live in our mind and can simply not say we made up our mind without trying to even understand our mind.
10. **In reply to section 2 of Point C of the Petition**, we wish to clarify that the staff took the lead due to the unprecedented situation and the fact that it was out of our scope, it does not imply that we have been inactive nor are we incapable, especially that our interactions with the board and AFRINIC staff are private and that they still remain unknown to the group that has made the Petition.
11. **In reply to section 3 of Point C of the Petition**, we are neither responsible for the other candidates' withdrawal nor for their expectations for the candidate left. They should not be the ones defining how the incumbent co-chair's behaviour must align with their benefits. Moreover, we have both been up to our duty and responsibilities as co-chairs and have never, at any point of our terms, changed or carried out our duties with less than desirable behaviour. We were always serving the community's interest while respecting the CPM and its due process. The link referred to in the Petition to support the claims shows nothing of their claim and once again this is a mere opinion and perspective of certain quarters which, for some reason do not see eye to eye with us. Thus, any action taken by us that is not in line with the Petitioner's stand or liking will and has been arbitrarily used against us.
12. **In reply to section 4 of Point C of the Petition**, kindly take note that in the overall prospect the entire appeal stated by the Petitioner under section 4 of Point C of the Petition has no merits due to the fact that they were all made by a single proposal author and all the entire point is opinion-based and no concrete evidence was provided to support their claim. Since some of the outcomes of the appeal has yet to be concluded, therefore, such argument has no relevance on the Recall Petition.

The statement regarding those decisions made by the co-chairs at AFRINIC-32 were "all rejected and appealed" is interesting as it is vital to note the appeal against the non-consensus determination on proposal AFPUB-2018-GEN-001-DRAFT06 (Abuse Contact Policy Update – Draft 6) has been decided on 27 November 2020 and the appeal committee had denied the appeal indicating that the co-chairs have acted in accordance with the CPM. Whereas, the balance Appeal Committee has given themselves until February 18, 2021 to conclude and publish the appeal result and has not provided any

conclusions as of yet. This further proves the act of the complainant is with malice with no substance and evidence.

Therefore, it can be perceived that these appeals are just orchestrated attempts to discredit the co-chairs in an attempt to oust, us, the co-chairs from our current position. This can be established that the Petitioner had issues from the moment of the election was won by us as they were not happy with the election of the co-chairs and this was further escalated by this vocal minority. I can categorically tell you that none of the petitioners voted for us in the election. We are certain about this and can prove this. However, we once again stress the claims are baseless and without any proof and without any evidence.

Once again, we submit that our actions are consistent with the CPM and PDP and to allow the removal of co-chairs based on an opinion-based complaint without any proof is premature at best and potentially dishonest and manipulative at worst.

13. **In reply to section 5 of Point C of the Petition**, kindly be informed that the email referenced as a support of the Petitioner's claim does not hold any weight in its evidence pertaining to the allegation made and the video is a proof of our fair judgement that aligns with the CPM and the process concerning the declaration of consensus. Subjective and personal interpretations made in this paragraph are due to the disagreement of the authors of the policies with the non-declaration of consensus, and not due to our incompetence as co-chairs nor have we acted arbitrarily.

It is our duty to listen to objections and refer to them when required. We are also members of the community and can raise objections when there is a need to do so. We have previously attended the meeting of other RIRs and the co-chairs were allowed to raise objections, and there is no section of the PDP manual that forbids the Co-chairs from raising objections.

It was not our intension not to allow the authors of the "3rd proposal" to respond. However, we also had to manage time during the PPM. We gave everyone the opportunity as much as we can.

We wish to clarify that to best of our understanding of the PDP and the consensus needed for the inter-RIR transfer policy, we did the following where we retracted our initial consensus (made on 21st September 2020), which there were appeal pertaining to the consensus achieved. We further gave three (3) weeks for the community to further discuss the issue and resolved anything which they perceive to be an issue. One thing we must note, is that, if no time frame is given then the discussion is never ending and no policy will be passed if we wait until every single soul in the mailing list is satisfied. This is the reality and also our responsibility as co-chairs to allow resolution within the stipulated time. After the three (3) weeks discussion period, we agree on a consensus on the 16th November 2020. We wish to clarify that no appeal has been filed and the appeal timeframe of 2 weeks have duly elapsed. Therefore, it should be strongly noted that our new decision on the consensus is done in accordance to the PDP to the letter and the 16th November 2020 consensus has not been challenged. We also gave enough notice for discussion of the final draft before we arrived at a decision.

14. **In reply to section 6 of Point C of the Petition**, we wish to assert that section 6 of Point C of the Petition is a repetition of the claims made in section 4 of Point C of the Petition and adds no additional value to the Petition.
15. **In reply to section 7 of Point C of the Petition**, kindly be informed that the claims are unfounded and lack evidence. It should be noted that we have dutifully respected the duration of the last call according to the CPM and this was known by every member of the community. This is a blatant lie
16. **In reply to section 8 of Point C of the Petition**, the allegation is inaccurate. The amendments were requested by the community members and we have done our best to solve the situation by proposing and suggesting the amendments that were the community's desire and not ours. We even went further to ask the authors if they agree to the amendments requested by the community members in order to achieve consensus and the authors voluntarily agreed. As such, we have acted within our scope of

duties. In not doing so, we would have been accused of wasting time by not moving things forward with efficiency.

We never made any unilateral decision it was all based on the discussions of community members. It is obvious that whatever is not from the group of these petitioner is categorized as coming from the moon or in the imagination of the chairs. The recording of the meeting can be consulted. The recall document says "Co-chairs appear to be deciding and injecting new issues" This appearance is false and in the imagination of some few, as we did not. We have no preference for any proposal and our decisions are based on input from the community.

17. **In reply to section 9 of Point C of the Petition**, the Petitioner's claim has no relevance in this discussion and is beyond our responsibility as co-chairs. In furtherance, the staff had months to provide the reciprocity tests reference for the co-chairs to review and decide on consensus to move the policy to last call and this wasn't done by them and this has nothing to do with the co-chairs or our ability to perform our duties. The reality remains, the staff only provided the reciprocity test after the PPM and this had driven the co-chairs to at best of their ability to manage the situation including to retract the passing of the policy to last call and allowing the author more time to discuss and incorporate the findings of the test into the current draft policy. This is once again done in accordance with the stipulated terms of the CPM.
18. **In reply to section 10 of Point C of the Petition**, the Petitioner's claim is unfounded; very vague, unclear and lacks proof and evidence. We have acted in accordance with the CPM.
19. **In reply to section 11 of Point C of the Petition**, we wish to clarify that the intent of the modification requires the recipient to be RIR member or address holder, whereas, the author was not aware that there are many customers that do not fall as being RIR member or address holder, particularly customers in the ARIN region). It was never the intention of the author to exclude those ARIN customers. As such, we wish to clarify that (i) the modification to include ARIN customers does not change the intent of the policy and the community's understanding of the policy, (ii) based on the community's wish, the community did not object the inclusion of the ARIN customers in order to achieve compatibility, (iii) the CPM does not forbid changes to be made in the last call.

We wish to point out that we have provided sufficient notice to the community to review the publication of the final version of the policy with a 3 weeks timeframe given. Subsequently, we have even went on the extra mile to provide a final reminder to the community in allowing them to make any objections 24 hours before we proceeded to announce that the policy has passed the last call. Even then, there were no objections made. From that, the community has fully agreed to the modification made. Therefore, we wish to assert that we have dutifully done our part as co-chairs and have properly abided to the spirit and letter of the CPM.

20. **In reply to section 12 of Point C of the Petition**, as co-chairs, nothing in the CPM prohibits us from moving on with the PDP until the outcome of the appeal committee is ready, which takes a very long time. We have only listened to the community's needs and demands, which has resulted in an extension of the last call. It should be noted that the extension of the last call was to merely make changes to the wordings of the policy in order to better reflect the intent of the policy, without having any material changes made to the policy. Therefore, since the policy has already passed the last call, all objections have been duly addressed. Moreover, it should be noted that AFRINIC is not a court and the attempt to equvalate the due process of the PDP to a court litigation's process is just utterly inapplicable.
21. **In reply to Finding 3 of Point C of the Petition**, the Petitioner has failed to present any valid evidence to support its claims pertaining to the allegations that we have violated the PDP, been unfair or biased. However, they have merely presented subjective opinions and unfounded accusations based on their personal and emotional dissatisfactions. We strenuously wish to highlight that every single decision that we have made, as long we are co-chairs, is a based on the community's requests and feedback. As such, for the avoidance of doubt, our actions have been and are all done in accordance to the CPM.

22. **In reply to the Conclusion of the Petition**, the authors have contradicted themselves many times in the claims they have made in the Petition, by giving confusing arguments and making unclear accusations. We find it confusing on whether if the Petitioner is demanding the recall due to our inactivity and ignorance of the community's needs, or, due to our request of additional community feedback, suggestions and difficult decisions that serve the community's interests. Moreover, several allegations hold no relevance in this discussion and lack actual evidence and proof.
23. **THAT SAID**, we wish to emphasize again on the fact that we take our duties and responsibilities as co-chairs very seriously, and have done everything in our capacities to serve the community's interests and preserve its stability whilst simultaneously having acted according to the process defined by the CPM at all times.
24. We strongly believe the request is not only frivolous but an attempt by some group of few people to take away the soul of AFRINIC through the back door. During the last AFRINIC meeting, Abdulkarim Oloyede was unanimously reelected only for some few to be requesting a recall shortly after the election. This is quite strange and shows an attempt to arm-twist the community
25. We sincerely trust that the Recall Committee will be able to discern that the Petition is baseless, frivolous, vexatious, unfair and prejudicial toward the co-chairs and that the Recall Committee will dismiss the Petition accordingly so that the co-chairs will be able to continue to serve and cater to the needs of the community smoothly, especially at such uncertain and turbulent times of this global pandemic. Thank you.

Sincerely,
Co-Chairs