Summary of the RPD Discussion Regarding the Decision on the Way Forward for New (transition or elected) co-Chairs after the Recall Committee Outcome

Final version (3): 16th February 2021

1. Key Precedents

16th November 2020	A request to Recall and Replace the PDWG co-Chairs is sent to the board.
11th December 2020	The Board appoints a Recall Committee.
7th February 2021	The Recall Committee announces a decision, final, to recall both co-Chairs.
7th February 2021	Initial discussion in the RPD started about the Recall and the way forward for new co-Chairs.
10th February 2021	The Board ask the PDWG to find a way forward before their meeting on this topic on 17th.
11th February 2021	4 choices presented in the RPD, asking the PDWG to reach consensus in one of them, so the Board can follow the PDWG decision.
16th February 2021	Summary and conclusions of the discussion presented in the RPD (this document).

2. Possible Options Discussed in the RPD

After the initial discussion, it seems that there is a preliminary set of possible choices, which were discussed in the list by a few participants.

In order to reach consensus about one of them, so the Board can organize whatever next step are needed, an email explaining the situation is sent to the list (https://lists.afrinic.net/pipermail/rpd/2021/012299.html), followed by another one (https://lists.afrinic.net/pipermail/rpd/2021/012300.html) enumerating the choices and asking the PDWG participants to speak up with their inputs, pros and cons.

1) Halt everything regarding PDP decisions, until the board can organize on-line elections in a few weeks (with the previous electoral census).

2) Halt everything regarding PDP decisions, until the board can organize an in-person meeting and then we can have on-site elections (we don't know when we will have a new in-person meeting).

3) Ask the board to choose 2 transition co-chairs, so we can have elections in the future (option 2 above).

4) Nominate ourselves a few names for transition co-chairs and let the board to decide among them, once they confirm their willingness to take the job, so we can have elections in the future (option 2 above).

3. Summary of the RPD Discussion

The message sent to the list was clear about those that have objections to any of the 4 choices and can't "concede", to say so in the first 2 days, justifying why, in order to make sure that we get not trap into the deadline without a clear consensual decision.

Several of the participants, showed their preference, with different degrees of clarity, and the following table summarizes all those inputs, ordering the preferred choices as they have been understood from their contribution to the RPD list.

Note that this is not a literal transcription, just a short summary and as objective as possible interpretation, as some of the participants provided several inputs or based their inputs in previous ones.

A couple of clarifications have been done in the list, based on the PDP, which necessarily needs to be taken in consideration for the interpretation of the participant email. Those clear points from the PDP have also been included in parenthesis in the summary table.

The order of the table is trying to follow the order of the discussion in the list, using the "next message" link in the emails archive, which sometimes may create some confusions. However, for the sake of simplicity, each poster inputs are compiled in single place with their first input on the thread.

Finally, this document and specially the summary table, is being elaborated as soon as every participant email comes into the list, in order to avoid making a preliminary "global interpretation", but instead, one by one, and only at the end, writing the conclusions.

This report will be sent to the RPD list before being submitted to the Board, in order to allow a quick (due to time constrains) round of further clarifications and resolve any misinterpretations as captured from the participants.

Participant:	Inputs:	Preferred Choices:	Objected Choices:
Jaco Kroon	Any choice is fine. 1 saves time. Question about bogus accounts (already resolved because the electoral census to be used is the one that was already fixed by AFRINIC before the previous elections). Question about restricting to members (invalid choice according to PDP and even bylaws). Some inputs, but NO objections to other options.	1	
Mike Silber	Supporting Jaco Kroon inputs. 3 and 4 are good if we can get rough consensus on the list and 1 will take some time. NO further objections.	1	
Mark Elkins	Support Mike inputs. At least 4 people standing and recalled co-chairs should not be allowed to participate (not enforceable according to PDP). Will like to see some resource-holders standing and one elected (not enforceable according to PDP). No one with a policy in the current process chain should stand (not enforceable according to the PDP). Election system should ensure that the candidate with major number of votes takes the 2-years position, and next one in number of votes, the 1-year position. NO further objections.	1	
Owen DeLong	Provided inputs to previous participants about non-enforceable points, following the PDP. Didn't provided any preference, and NOT objected to any choice.		
Arnaud Amelina	Inputs regarding the recalled co-Chairs. Didn't provided any preference, and NOT objected to any choice. Supporting Marcus (a different thread in the list) about the bogus registrations (already answered above) and the need for pre-requisites for the positions (not enforceable according to the PDP).		
Daniel Murungi	If majority of electorates, don't have a clue or are being pushed to a certain position, it is dangerous (not enforceable according to the PDP). Didn't provided any preference, and NOT objected to any choice. Also supporting Arnaud Amelina inputs regarding recalled co-Chairs.		

Lucilla Fornaro	It is a community process, so don't see the need to give the Board the ability to pick-up co-Chairs. Exceptional situation, but still need to follow PDP (this is a valid objection to 3 & 4, according to the PDP).	1 & 2	3 & 4
Anthony Ubah	1 & 2 save time, no need to go for a transition with 3 & 4.	1 & 2	3 & 4
Paschal Ochang	Stick to the PDP (not a clearly stated choice, but could be interpreted as 1 & 2, and valid objection to 3 & 4).	1 & 2	3 & 4
Tom Ochang	Confusing consensus with democracy, however, stated preference for choice 1. Objecting to option 3 (valid, same rationale as Lucilla Fornaro) and option 4 (invalid, volunteers could also participate in options 1 & 2, but in one case is the board, in the other is the electoral census who decides. However, it becomes a valid objection because the same reason stated for choice 3).	1	3 & 4
Jean Guelord Binemo	Do not agree with only electing who we believe is experiencing people, but volunteers willing to do the job. Didn't provided any preference, and NOT objected to any choice. He instead is suggesting a double list of candidates, in a transition model, one with experienced previous co-Chairs and another one with new volunteers and the Board taking a decision. It may look closer to 3 & 4, but not exactly the same.		
Wijdane Goubi	It seems to agree both with choices 1 & 2. No clear objection to 3 & 4.	1 & 2	
Elvis Ibeanusi	Clearly supporting choice 1, not explicitly objecting to others.	1	

The following emails belong to other threads in the list, but the discussion is also relevant, and at some point, becomes parallel to the primary one. Further to that, in some cases it shows clear support or objection for some of the choices under discussion. Note that some of this discussion happens before the choices have been presented, so in some cases, unless the discussion was continued in this alternative thread, some of the posters have not expressed clearly (or at all) their supported or objected choices.		
Daniel Yakmut	In a previous thread, he doesn't agree that the Recall Committee decision is final (however, this has been already responded by the Recall Committee chair and the message from the Board, and it is according to the PDP, so it is an invalid objection). Later on, he insisted in following the PDP, which will be choices 1 & 2, but not clearly stated.		
Fernando Frediani	Responded to Daniel to confirm the facts. Later on, shows his preference for choice 1 and objects that the PDP doesn't allow options 2 & 3 (valid).	1	2 & 3
Batru Ntege	Confirmed to Daniel Yakmut also the facts.		
Dewole Ajao	Confirmed also the situation to Daniel Yakmut. Suggest a specific on-line meeting so the PDWG can take a decision. Later on, he shows doubts about on-line elections, but not a clear objection neither support.		
Owen DeLong	Responding to Dewole Ajao, speaks about the ARIN AC and the co-Chairs model in the other RIRs. He suggests a ranked-choice voting, following the same as it has been presented as choice 1, and presenting detailed operational details for it.	1	
Timothy Ola	Also confirmed the Recall Committee decision, after further emails from Dewole Ajao.		
Nishal Goburdhan	Also responded to Daniel Yakmut, following same rationale as previous participants (PDP needs to be changed if we don't like the way this happened).		
Ibeanusi Elvis	Continues the previous discussion stating that we should follow PDP 3.3. It looks like support for choices 1 & 2, but not clearly stated (the email was previous to the choices being depicted in the list). He also suggests that the co-	1	

	Chairs continue until the elections. Later on, he stated preference for option 1.		
Darwin Costa	Responding to Ibeanuse Elvis and refuting his arguments on the co-Chairs remaining until the next meeting. No clear support or objections.		
Sunday Folayan	Asked some further clarification to the Recall Committee chair.		
Alan Barrett	Responded to some questions, as Recall Committee chair.		
Paul Wollner	Asked if this situation happened either in AFRINIC or another RIR.		
S. Moonesamy	Responding to Paul Wollner, recalls one instance.		
Jordi Palet	Responding to Paul Wollner and S. Moonesamy, not comparable situation in any RIR.		
Mark Elkins	Also not recalling a comparable situation.		
Sarah Kiden	Suggesting to wait for the Board, which happened already.		
Marcus Adomey	Suggest that we should not use on-line elections (choice 1) and we shall reach consensus or acclamation (choice 2), and only if that doesn't happen the let the Board (3 & 4) or membership to choose (invalid, not according to PDP). Some of his inputs are invalidated by Owen DeLong inputs, based on the PDP and definitions of terms. Further suggestion to allow only the membership to vote (invalid according to the PDP).		
Alan Aina	Stating that the PDP section 3.3 allows any method of selecting the cochairs, this seems to suggest that 1 & 2 are valid choices, but not clearly stated.		
Gregoire Ehoumi	Suggesting choice 3. Not explicitly objecting to other choices.	3	
Sylvain Baya	Not stating any preference, but seems to indicate to follow PDP.		
Arnaud Amelina	Stating that it should be members based on bylaws (PDP indicate otherwise). He suggests that using the RDP as voter register is against rules.		

4. Conclusion

In order to draft this conclusion, we shall use the concepts of RFC7282, which describes what is consensus (actually rough consensus), as the method used by AFRINIC PDP (and all the RIRs), even if in many PDPs it is not referenced or clearly defined.

For the benefit of those that didn't read the complete RFC7282, as a shorter definition, we can use text adopted in other RIR PDP, which has also been proposed at AFRINIC and is annexed at the end of this document.

In order to decide if there is consensus in any of the choices, it is necessary to follow the PDP in those aspects where there have been inputs and objections.

The most relevant ones and the rationale according to the PDP are:

a) The Recall of the co-Chairs is invalid. Section 3.5 of the PDP clearly states the procedure for that, and it has been followed in full. If the PDWG disagree, they still have the choice to elect the same co-Chairs, if they decide to stand-up. So, objections to all this are invalid.

b) We must stick to the PDP. Section 3.3, states that if a Chair is unable to serve his/her full term, the WG is able to select a replacement, and we are under this situation, no matter which reasons brought us to that. The same section depicts that the community choose the Chairs, and is not enforcing any specific method or restrictions to it. So, any objections to this are invalid.

c) Section 3.3 of the PDP doesn't allow setting any restrictions, which means that the following inputs are invalid objections, even if many participants may agree with one or several of them:
   a. Recalled co-Chairs should not be allowed to participate.
   b. One or both co-Chairs should be resource-holders.
   c. Authors of proposals in discussion should not be allowed to participate.
   d. Experience vs new participants.
   However, it should be noted, that the community participating in the voting has the freedom to vote for candidates accommodating one or more of those requirements (among others), based in their own personal choice.

The most relevant part here, is that there haven't been any messages showing anyone clearly stating not being able to concede with choices 1 and 2 and showing valid objections about those, and instead, there have been objections to 3 and 4, which are valid. And instead, it seems there is more support from the participants for choice 1, and looks like a logic approach, considering that, waiting for an in-person meeting has a lot of uncertainty, because the current situation with the Covid-19, global vaccination delays with are not the same across different

countries/regions and subsequent travel restrictions, may create a discrimination for different participants.

There is already a previous precedent about the Board decision about an on-line election and the closure of the electoral census at that time, especially considering that there was a big increase of anonymous/anomalous registrations in the RPD, once it was announced that it will be used as the electoral census, so it seems a correct approach, as choice 1 already indicated.

There may be some questioning about if this fulfills the PDP, and clearly is the case, as per Section 3.3:

"Anyone may participate via the Internet or in person. PDWG work is carried out through the Resource Policy Discussion mailing list (rpd@afrinic.net) and the bi-annual AFRINIC Public Policy Meetings (PPM). Any person, participating either in person or remotely, is considered to be part of the Policy Development Working Group."

There may be some exceptions to the closure of the electoral census, if we consider this part of the text "Any person, **participating**". The PDP is not clear about if registered participants who are not participating actively (in discussions in the RPD or having participated in the mic of the previous meeting), is actually considered to be part of the PDWG. The actual text could be perfectly understood as "if you haven't participated in discussions, showing your opinions, you're still not a validated full member". This could also help to avoid what we can name as "bogus voters" and at the same time, facilitate that if any new real person has joined to the RPD and participated in the discussions after the previous electoral census closure, can justify as well his/her inclusion in the electoral census.

Once more, note that the inputs which are non-enforceable according to the PDP, can't be considered as valid objections according to the rough consensus definition.

So, in summary, we should declare that consensus has been achieved for the option 1: "Halt everything regarding PDP decisions, until the board can organize on-line elections in a few weeks (with the previous electoral census)."

And in order to fulfill the PDP in full, we should ensure compliance with Section 3.3:

"The Policy Development Working Group has two Chairs to perform its administrative functions. The PDWG Chairs are chosen by the AFRINIC community **during** the Public Policy Meeting and serve staggered two-year terms. The term ends during the first Public Policy Meeting corresponding to the end of the term for which they were appointed. A term may begin or end no sooner than the first day of the Public Policy Meeting and no later than the last day of the Public Policy Meeting as determined by the mutual agreement of the current Chair and the new Chair.

If the Working Group Chair is unable to serve his or her full term, the Working Group may select a replacement to serve the remainder of the term. If the Working Group Chairs are **unable to attend the Public Policy Meeting**, the Working Group shall nominate a Chair for the session. Anyone present at the meeting, whether in person or by remote participation, may participate in the selection process for a temporary Chair."

According to this, it looks reasonable for the Board, which is in charge of the meetings, according to the bylaws Article 11.2 ("The Board shall call a Public Policy Meeting at least once a year as per requirements defined in the Policy development Process."), which may even have a single agenda point "co-Chairs election".

The agenda may start and close coincidently with the expected duration of the electronic election process, and optionally include also sessions for open mic.

However, if a temporary chair(s) is chosen for that session, according to the PDP, we can also take the opportunity to follow other topics, even if not looking for consensus decisions.

An open question is if actually the Board could take an alternative approach (such as options 3 or 4), and the answer is "probably yes", it may depend on the interpretation of the bylaws and if the Board follows the process correctly.

Article 11.4 of the bylaws state:

"Notwithstanding, the provisions of Article 11.2 the Board may adopt such policies regarding the management of internet number resources where it considers that the same is necessary and urgent, having regard to the proper and responsible usage of these resources."

The text "regarding the management of internet number resources" (and the last part of the article), clearly means "Internet number resources" and the PDP is not a number resource. However, based on facts and other documents that the Board has elaborated across the years, related to the PDP (and not number resources), the current interpretation of the Board, seems to be that the complete CPM (including the PDP) is covered by that article.

So, if the Board still understands that the PDP and consequently the elections of the co-Chairs, are also covered by that article, then the Board could adopt and urgent policy, for taking any decision they wish to select the co-Chairs, which the simple requirement as set by the article 11.5 (Endorsement of policy adopted by the Board):

> "1. Any policy adopted by the Board under the provisions of Article 11.4 shall be submitted to the community for endorsement at the next public policy meeting.
> 2. In the event that such a policy submitted by the Board is not endorsed, the said policy shall not be enforced or implemented following its non-endorsement;

however, any action taken in terms of the policy prior to such nonendorsement shall remain valid."

The effect will be that the Board could select the co-Chairs they wish, against the community consensus or opinion, and they will in place at least until a new PPM endorses it, or alternatively the PDWG request new elections.

However, we should conclude that this will not be a good approach considering what it seems to be against the clear consensus based on the recent discussion in the list, as shown by this summary, and it will demonstrate a separation of the Board from the bottom-up model, as it has been already expressed by some of the participants.

Last, but not least. There have been some inputs about choosing the chairs by consensus. This is a perfectly valid choice, and in fact, this was the path followed, in the last elections, when several candidates withdraw from the on-line remote elections process. So, going for option 1, and asking the candidates to discuss among them and with the community, opens the door to that alternative, if most of the candidates could withdraw and even suggest which other candidates they are supporting.

5. Annex: Definition of Rough Consensus

Achieving "rough consensus" does not mean that proposals are voted for and against, nor that the number of "yes's", "no's" and "abstentions" – or even participants – are counted, but that the proposal has been discussed not only by its author(s) but also by other members of the community, regardless of their number, and that, after a period of discussion, all critical technical objections have been resolved.

In general, this might coincide with a majority of members of the community in favor of the proposal, and with those who are against the proposal basing their objections on technical reasons as opposed to "subjective" reasons. In other words, low participation or participants who disagree for reasons that are not openly explained should not be considered a lack of consensus.

Objections should not be measured by their number, but instead by their nature and quality within the context of a given proposal. For example, a member of the community whose opinion is against a proposal might receive many "emails" of support, yet the Chairs might consider that the opinion has already been addressed and technically refuted during the debate; in this case, the Chairs would ignore those expressions of support against the proposal.

For information purposes, the definition of "consensus" used by the RIRs and the IETF is actually that of "rough consensus", which allows better clarifying the goal in this context, given that "consensus" (Latin for agreement) might be interpreted as "agreed by al"' (unanimity).

More specifically, RFC7282, explains that "***Rough consensus is achieved when all issues are addressed, but not necessarily accommodated.***"

Consequently, the use of "consensus" in the PDP, must be interpreted as "rough consensus".