

AFRINIC Recall Committee

Working Procedure

20 January 2022

The Recall Committee is an ad hoc committee appointed by the AFRINIC Board when there is a request to recall one or more of the Policy Development Working Group (PDWG) Chairs. This document describes the scope and process to be used by the Recall Committee. For the sake of consistency, this Recall Committee has considered the working procedure adopted by the previous Recall Committee and amended the said document as hereunder provided.

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1. Purpose, powers, and constitution of the Recall Committee

The Recall Committee is an ad hoc committee appointed by the AFRINIC Board when there is a request to recall one or more of the Policy Development Working Group (PDWG) Chairs.

The document that governs the AFRINIC PDWG, the Consolidated Policy Manual (CPM), specifies the recall process in article 3.5.3. The whole of article 3.5 “Conflict Resolution” is quoted below:

3.5 Conflict Resolution

1. A person who disagrees with the actions taken by the Chair(s) shall discuss the matter with the PDWG Chair(s) or with the PDWG. If the disagreement cannot be resolved in this way, the person may file an appeal with an Appeal Committee

appointed by the AFRINIC Board of Directors. An appeal can only be filed if it is supported by three (3) persons from the Working Group who have participated in the discussions.

2. The appeal must be submitted within two weeks of the public knowledge of the decision. The Appeal Committee shall issue a report on its review of the complaint to the Working Group. The Appeal Committee may direct that the Chair(s) decision be annulled if the Policy Development Process has not been followed.
3. Anyone may request the recall of a Working Group Chair at any time, upon written request with justification to the AFRINIC Board of Directors. The request must be supported by at least five (5) other persons from the Working Group. The AFRINIC Board of Directors shall appoint a recall committee, excluding the persons requesting the recall and the Working Group Chairs. The recall committee shall investigate the circumstances of the justification for the recall and determine the outcome.

In a document dated 9 November 2020 and provided to the previous Recall Committee, the following information was provided:

Responsibilities

The Recall Committee is responsible for investigating the circumstances of the justification for the Recall and for determining the outcome.

The Recall Committee is responsible for establishing its rules of procedure.

The Recall Committee will report the outcome to the Policy Development Working Group. The decision of the Recall Committee is final.

Access to information

The Recall Committee shall have access to sufficient resources in order to carry out its duties, including access to AFRINIC for assistance as required.

This document sets out Recall Committee's procedures, consistent with both the CPM and the directions from the AFRINIC Board.

2. Administrative considerations

The Recall Committee comes into existence when appointed by the AFRINIC Board. The Recall Committee notes that the Board has appointed three full members and one observer.

The recall Committee shall conduct its meetings via online conference tools, and shall have a mailing list for additional discussion.

The Recall Committee shall appoint a Chair from among its full members.

Decisions of the Recall Committee shall be by unanimous consent of all full members, if that is possible. If unanimous consent is not possible, then a simple majority of two out of the three full members shall be sufficient.

The Recall Committee may request suitable AFRINIC staff members to join its mailing list and meetings to provide support, and may ask those staff members to coordinate additional reports from staff.

Observers appointed to the Recall Committee by the Board shall have the right to participate in all deliberations of the Recall Committee, but not to vote.

2.1 Recall Committee Appointment

Resolution 202110.654

WHEREAS on 26 October 2021, the Board of Directors constituted the Recall Committee as per resolution 202110.641;

WHEREAS Mr Haitham El-Nakhal, who was a member of the aforesaid committee, has recused himself therefrom on the ground that he was one of the co-authors of the policy proposal titled "RPKI ROAs for Unallocated and Unassigned AFRINIC Address Space AFPUB-2019-GEN-006-DRAFT03" which forms part of the recall petition, and thus in order to avoid all perception of bias;

RESOLVED that the Board resolution 202110.641 be revoked forthwith and the Recall Committee be further reconstituted as follows:

- Dr Christian D. Bope
- Mr Kenneth Yip Tong
- Dr Ousmane Ly
- Mr Craig NG, General Counsel APNIC as Observer

3. Investigation

The Recall Committee must give the PDWG Chairs the opportunity to respond to the claims set out in the recall petition.

The Recall Committee may but need not seek additional information from the petitioners, from AFRINIC's Policy Liaison, or from any other party.

4. Criteria for evaluation

The Recall Committee shall evaluate the complaint and the circumstances, taking into consideration the following information:

- The claims made in the petition for recall that was submitted to the Board.
- The facts of the matter, including any evidence in support of the claims.
- The duties of the PDWG Chairs, as set out in the PDP or other documents.
- Perception of the facts in the eyes of the public or the PDWG members and its impact on public trust in the Policy Development Process.

Considering all the above information, the Recall Committee will evaluate whether the impugned actions of the PDWG Chairs fit any of the following criteria:

- Irrational or unreasonable actions, noting that reasonable actions about which there is disagreement will not constitute sufficient grounds for recall.
- Procedural impropriety, or serious procedural error.
- Bias, or actions that give the perception of bias or failure to act impartially.
- Dishonesty.
- Deviation from the PDP and/or from general norms in the context of an open, bottom up, consensus based process.
- Negligence or incompetence in carrying out their duties.

A pattern of repeated incidents that fit the above criteria will be grounds for recall. A single minor incident of negligence or incompetence or deviation from procedure will usually not be sufficient grounds for recall. A single incident of a severe nature may be sufficient grounds for recall.

5. Score sheet

Each member of the Recall Committee shall complete a score sheet in which that committee member assesses each claim made in the petition for recall. The score sheet shall indicate:

- The extent of evidence in support of the claim.
- The extent to which the behaviour has been explained by the PDWG Chairs.
- Considering the claim, the evidence, and the representations made by the PDWG Chairs, whether the incident fits any of the criteria that may be a basis for recall.
- Whether the incident is so severe that a single incident is sufficient grounds for recall.

The score sheets are intended to assist each Recall Committee member in coming to his or her independent conclusion as to whether the criteria for recall of the PDWG Co-Chairs have been met. These score sheets are confidential to individual members of the Recall Committee.

6. Decision

The Recall Committee shall consider the evaluations made by each member, and shall determine whether there is sufficient grounds for recall of one or more of the PDWG Chairs.

7. Reporting

After making its decision, the Recall Committee shall prepare a report incorporating the petition for recall, this document of working practices, and the findings and decision of the Committee. The Recall Committee shall forward the report to the AFRINIC Board for their information; 48 hours after forwarding to the Board, the Recall Committee shall publish the report on the RPD mailing list.

8. Glossary

- Appeal Committee - A committee appointed by the AFRINIC Board to consider appeals, after unresolved disagreements between the PDWG Chairs and PDWG participants, in terms of CPM article 3.5.1 and 3.5.2. The Appeal Committee has the power to annul decisions of the PDWG Chairs.
- CPM - Consolidated Policy Manual. The Consolidated Policy Manual (CPM) is the reference document containing policies for managing and distribution of IP number resources in the AFRINIC service region. Policies are created through a bottom-up Policy Development Process (PDP) of consultation, discussion and consensus through which policy proposals are submitted, debated (by the community) and adopted (by AFRINIC). All ratified and implemented policies that have gone through the PDP are integrated into the CPM.
- PDP - Policy Development Process. The PDP is the process by which policies are developed for managing and distribution of IP number resources in the AFRINIC service region. In the AFRINIC Bylaws, article 1, the Policy Development Process is defined as "A bottom-up, open and transparent process, approved by the Internet Community wherein all stakeholders may participate in the creation of policies which would ensure that the Internet Number Resources are distributed and managed in a responsible and fair manner." The Policy Development Process referred to in the Bylaws and approved by the Internet Community is documented in the CPM, article 3.
- PDWG - Policy Development Working Group. A group of people that discuss AFRINIC number resource policy. In terms of CPM article 3.3, "The Policy Development Working Group (PDWG) discusses the proposals. 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.”

- PPM - Public Policy Meeting. A meeting at which AFRINIC resource policy proposals are discussed. In terms of the AFRINIC 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.” In terms of the CPM, article 3.3, “PDWG work is carried out through the Resource Policy Discussion mailing list (rpd@afrrinic.net) and the bi-annual AFRINIC Public Policy Meetings (PPM).” In practice, PPMs are held twice per year (with rare exceptions, such as in 2020 where there was only one meeting), satisfying both the Bylaws requirement for at least one PPM per year, and the PDP requirement for a bi-annual meeting.
- Recall Committee - A committee appointed by the AFRINIC Board to consider requests to recall one or both of the PDWG Chairs, in terms of CPM article 3.5.3.
- RPD - Resource Policy Discussion mailing list (rpd@afrrinic.net). A venue for discussion of draft policies, in terms of CPM article 3.3.
- Working Group - Short for Policy Development Working Group (PDWG).

9. References

- AFRINIC Bylaws: HTML version: <<https://afrrinic.net/bylaws>>; PDF version: <https://afrrinic.net/ast/pdf/bylaws/AFRRINIC_Constitution_2016.pdf>
- AFRINIC Consolidated Policy Manual: At the time of writing, the current version of the CPM is version 1.6, available at <<https://afrrinic.net/cpm-1-6>>. The latest version should always be available at <<https://afrrinic.net/policy/manual>>.

10. General Note:

This Working Procedure is an amended version of the previous version adopted by the Recall Committee held in the year 2021.

<https://drive.google.com/file/d/1HjgWvwa7CScukPLrd0XWOLAVitBxZyVx/view?usp=sharing>