

Dear Recall Committee,

Further to our email dated 25 January 2022, please find below a further written explanation responding to the recall petition.

Written Explanation

The recall petition consists of 2 sections notably the election and AFRINIC-33.

- A. On the aspect of our nomination as PDWG Chairs, we would like to inform the Recall Committee that we both agreed to be nominated to serve as PDWG Chairs in 2021, with the Policy Development Working Group selecting us by consensus in April 2021. In fact, the AFRINIC Board gave their approval to have us serve staggered terms.

The Board Resolution is copied below for your ease of reference

Resolution 202104.602

Whereas the PDWG have by consensus suggested the appointment of:

- *Mr Vincent Ngundi for a two-year term with effect from April 10th 2021 until the first Public Policy Meeting of 2023*
- *Mr Darwin da Costa for a one year term with effect from April 10th 2021 until the first Public Policy Meeting of 2022*
- *Whereas the implementation of the suggestion of the PDWG requires compliance with the provisions of Sec 3.3 third paragraph of the CPM to enable the PDWG to function in terms of its mandate*
- *Whereas the PDP requires a staggered term for the Co-Chairs*

RESOLVED, as an exceptional measure, to approve that Mr Vincent Ngundi and Mr Darwin da Costa complete the term of past Co-Chairs and further serve a duration required to make a 2 year and 1-year term respectively.

In line with the above, we firmly believe that the grounds mentioned in the recall request are baseless.

- B. We have gone through the grounds of the recall request concerning AFRINIC-33, which also made reference to the policy proposal “RPKI ROAs for Unallocated and Unassigned AFRINIC Address Space AFPUB-2019-GEN-006-DRAFT03”.

1. We would like to inform the Recall Committee that as PDWG Chairs:-

- a) we ensured that the AFRINIC Policy Development Process as stipulated in Section 3.0 of the Consolidated Policy Manual was followed for all the proposals that were on the Public Policy Meeting agenda;
- b) In our presentation of the AFRINIC Policy Development Process during AFRINIC-33, we explained how rough consensus is determined so that the participants of the PPM are aware of the process ;

- c) Prior to the AFRINIC-33 PPM, we assessed all the contributions of the PDWG to the policy proposals under discussion;
- d) We also took note of the RPKI Subject Matter Experts contributions on the list to facilitate the understanding of those unfamiliar with how RPKI works.
- e) We took note that there were no discussions on this version of the proposal but included a summary of the assessments of version 2 of this particular policy so that the PDWG could discuss new valid objections during the PPM.
- f) The rough consensus at the end of the PPM was based on the PDWG having discussed and addressed the objections.
- g) We took note of the PDWG's emails focused on the technical/operational aspects during Last Call and reached out to AFRINIC for their inputs, even though AFRINIC had already mentioned, through the impact assessment published on its website that this approval can be implemented as written.
- h) We assessed the discussions during the Last Call period and determined that the concerns raised by the PDWG had been addressed.

The ratification report that we sent to the AFRINIC Board is also attached to this explanation as a supporting document.

2. In addition, we would like to inform the Recall Committee that the bottom-up approach of the AFRINIC Policy Development Process ensures that the community which includes the petitioners of this recall request contribute to the drafting and refinement of policy proposals.

If any technical prospect was needed, the petitioners as part of this community could have made enhancement propositions to the author via the RPD mailing list. In fact, 'technical prospect' is not part of the template of a policy proposal documented in Section 3.7 of the Consolidated Policy Manual, so we cannot be blamed for not ensuring the proposal contains one.

3. We have also noted that the petitioners failed to mention in this recall petition that they also lodged/supported two appeals against our decision of rough consensus and would like to emphasize on the following:

- The PDWG was informed about the decision of consensus on the policy proposal "RPKI ROAs for Unallocated and Unassigned AFRINIC Address Space AFPUB-2019-GEN-006-DRAFT03" on **21 July 2021** by means of an email sent to the RPD mailing list.
- The petitioners did not even discuss the matter with us, the PDWG Co-chairs, either publicly (through the RPD Mailing list) or privately, which is in complete disregard of section 3.5(1) of the CPM which reads '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.'
- The petitioners of this recall request are also the appellants of the two appeals lodged against the Co-chairs' decisions on **22 and 23 July 2021**.

- We have also taken note that this recall petition is dated **23 July 2021**.
- The Appeal Committee set aside one of the 2 aforementioned appeals and in the case of the other appeal, confirmed the Co-chairs' decision announced related to this proposal

It is therefore clear to us that the said petitioners have made an abuse of Section 3.5 of the Consolidated Policy Manual in regard to this policy proposal and lodged this recall and appeals in a timeframe of 2 days, with a complete disregard of section 3.5(1) of the CPM which reads '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.'

In the light of the above, we firmly believe that we have conducted our mandate fairly, responsibly, and impartially as PDWG Co-chairs. We, therefore, request the Recall Committee to set aside this recall petition.



Date: 21 July 2021

From: Co-chairs, AFRINIC Policy Development Working Group

To: AFRINIC Board of Directors

SUBJECT: REPORT ON THE POLICY PROPOSAL” RPKI ROAs for Unallocated and Unassigned AFRINIC Address Space”, AFPUB-2019-GEN-006-DRAFT03.

Introduction

In line with the Policy Development Process as documented in the Consolidate Policy Manual, we take note that the above-mentioned policy proposal attained rough consensus at the last Public Policy Meeting held in online format, 02-03 June 2021, during the AFRINIC-33 meeting.

As Co-chairs, we believe that the current version of the proposal (*version 3*) addresses concerns and observations made by interested community members that participated in discussions during the life cycle of the proposal since the first draft. The last call period was concluded on **Saturday 3rd July 2021 at 2359UTC.**

The table below shows the milestones in the policy proposal progress:

Date	Milestone/Activity
4 November 2019	The proposal was received on pdwg@afnic.net
5 November 2019	The proposal was posted to the RPD mailing list by the author https://lists.afnic.net/pipermail/rpd/2019/010043.html
	The policy proposal was given the ID < AF PUB-2019-GEN-006-DRAFT01 > and posted on website https://afnic.net/policy/proposals/2019-gen-006-d1
11 November 2019	An announcement was made on the RPD mailing list https://lists.afnic.net/pipermail/rpd/2019/010125.html
4 December 2019	Proposal with ID < AF PUB-2019-GEN-006-DRAFT01 > was presented and discussed at the <i>AFRINIC-31</i> Public Policy Meeting. The PDWG Chairs announced that the policy proposal reached rough consensus. https://afnic.net/policy/development-working-group/ppm-afnic-31

29 January 2021	End of Last Call. The PDWG Chairs announced that some critical objections that should be addressed had been raised and thus the policy proposal was sent back to RPD mailing list for further discussion https://lists.afrinic.net/pipermail/rpd/2020/010326.html
30 July 2020	The Author(s) submitted a revised policy proposal, subsequently IDed as AFPUB-2019-GEN-006-DRAFT02
18 Aug 2020	AFRINIC published the Impact Assessment of the proposal on the website https://afrinic.net/policy/proposals/2019-gen-006-d2#impact
17 Sep 2020	Proposal with ID < AFPUB-2019-GEN-006-DRAFT02 > was presented and discussed at the <i>AFRINIC-32</i> Public Policy Meeting.
17 Sep 2020	Co-Chair decision: The proposal requires additional discussion and is sent back to the discussion stage on the RPD mailing list.
19 April 2021	The Author(s) submitted a revised proposal, subsequently IDed as AFPUB-2019-GEN-006-DRAFT03
23 April 2021	The proposal was posted to the RPD mailing list by the author https://lists.afrinic.net/pipermail/rpd/2021/013141.html
	AFPUB-2019-GEN-006-DRAFT03 was published on the AFRINIC website https://afrinic.net/policy/proposals/2019-gen-006-d3#proposal
29 April 2021	A new policy proposal was announced on the RPD mailing list on https://lists.afrinic.net/pipermail/rpd/2021/013159.html
3 June 2021	Proposal with ID < AFPUB-2019-GEN-006-DRAFT03 > was presented and discussed at the <i>AFRINIC-33</i> Public Policy Meeting.
3 June 2021	PDWG Chairs announced that rough consensus had been reached for the proposal AFPUB-2019-GEN-006-DRAFT03
4 June 2021	The start of the “last-call” period was announced by the Co-chairs. https://lists.afrinic.net/pipermail/rpd/2021/013214.html
8 June 2021	Reminder from PDWG Chairs to the Working Group that Last Call will end on 19 June 2021 https://lists.afrinic.net/pipermail/rpd/2021/013273.html
17 June 2021	Last Call was extended until 3 July 2021 https://lists.afrinic.net/pipermail/rpd/2021/013339.html
23 July 2021	End of Last Call Announcements and the decision of the AFRINIC PDWG Co-chairs was that there was consensus.

Additional Notes

The AFRINIC PDWG Co-chairs have gone through the discussions on the RPD mailing list during the Last Call and prepared this report. As supporting documentation, the summary of the assessment conducted is as follows:

Summary of the assessment

1. The assessments of the discussions in the PDWG before the AFRINIC-33 PPM are summarized in Table 1 below.

Concerns	Addressed/ Pending	Notes
I believe this policy would extend AFRINIC's power way beyond its control. AFRINIC is a registration entity and should not have authority over RPKI.	Addressed	Technical Understanding of RPKI. https://lists.afrinic.net/pipermail/rpd/2020/011240.html
It is going to create a centralization on the control of the internet which can result in an abuse of power. the risk of Internet centralization and undermine the legitimacy of AFRINIC as an impartial institution.	Addressed	https://lists.afrinic.net/pipermail/rpd/2020/011240.html
The current state of the RPKI infrastructure does not provide	Addressed	According to staff https://lists.afrinic.net/pipermail/rpd/2020/011348.html It will take 1 day.

<p>a sufficient period between revocation of ROA and notification that a given prefix has been allocated to an organization which can have a huge effect on the allocation It takes time to revoke AS0 state for one IP address, not to mention many of the resources are allocated in blocks. So it will be extremely inconvenient to the end-users and ISPs if their network takes a very long period to “recover”. Is the imperviousness of the current proposed policy when it comes to human/computer error when revoking the AS0 state.</p>		
<p>Policy that potentially asks AFRINIC to proactively interfere with routing</p>	<p>Addressed</p>	<p>AFRINIC is *only* providing a service, like the WHOIS, to provide accuracy of what resources have been allocated to members and what are unallocated.</p>

Table 1

<p>how does this policy prevents hijacking as it's intended to do?</p>		
<p>An additional risk to consider about inviting RIRs into routing process is the possibility of malicious targeted "errors" which can be perpetrated by compromised members of staff.</p>	<p>Addressed</p>	<p>Mail from AFRINIC https://lists.afrinic.net/pipermail/rpd/2021/013399.html</p>
<p>Cause not only is the injection of data like the ASO into the Routing tools: Routing Database and RPKI outside the AFRINIC's scope, we should be aware that in cases of human or machine, it is going to lead to the loss of connection. I don't see how this is going to prevent hijackers from conducting or carrying out what they want to do.</p>	<p>Operational</p>	<p>Contribution from Amreesh https://lists.afrinic.net/pipermail/rpd/2021/013224.html https://www.afrinic.net/policy/proposals/2019-gen-006-d3#impact "unallocated and unassigned space here means available and reserved space as per the AFRINIC extended delegated stats file." Mail from AFRINIC https://lists.afrinic.net/pipermail/rpd/2021/013399.html https://lists.afrinic.net/pipermail/rpd/2021/013239.html</p>
<p>Injecting it into the routing tool is something that is out of AFRINIC's scope. Additionally, although you have the liberty to choose whether to accept RPKI</p>	<p>Addressed</p>	<p>https://lists.afrinic.net/pipermail/rpd/2021/013224.html</p>

<p>or reject it, in case the policy gets ratified, you are clearly *accepting* RPKI with injected data, without an option to withdraw it.</p>		
<p>My issue with this proposal is the reclamation statement which I reiterated in the chat in the meeting that it looks too ambiguous. When it comes to reclamation there are grey and contentious areas that I think should not be attributed with this policy.</p>	<p>Addressed</p>	<p>Mail from AFRINIC https://lists.afrinic.net/pipermail/rpd/2021/013399.html</p> <p>Mail from Jordi https://lists.afrinic.net/pipermail/rpd/2021/013259.html</p> <p>Mail from Nishal https://lists.afrinic.net/pipermail/rpd/2021/013311.html</p>
<p>What is really bothering me is that RIR is injecting its own data into RPKI, which makes the previous argument about how signing space is invalid.</p> <p>Further, the usage of RPKI will lead to AS0 all unallocated space for you. Consequently, the routing changes.</p>	<p>Addressed</p> <p>Ambiguous concern/object ion.</p>	<p>https://lists.afrinic.net/pipermail/rpd/2021/013224.html</p>
<p>Personally, I see the fact as there is no clear</p>	<p>Addressed</p>	<p>AFRINIC Policy Impact Assessment</p> <p>https://www.afrinic.net/policy/proposals/2019-gen-006-d3#impact</p>

<p>timeline - in policy - to when the AS0 should be removed for reacquired resources</p> <p>.... or in the case of wrongfully assignment of AS0.</p> <p>I see a bigger picture where “wrong assignment” of AS0 to “disliked” resource holder resources will be a norm. More especially as there is no stated timeline for this resolve.</p>	<p>Addressed</p>	<p>Mail from Jordi https://lists.afrinic.net/pipermail/rpd/2021/013277.html “This and other operational details are left to the discretion of AFRINIC”.</p> <p>https://lists.afrinic.net/pipermail/rpd/2021/013217.html</p> <p>Mail from AFRINIC https://lists.afrinic.net/pipermail/rpd/2021/013399.html</p>
<p>The ultimate consequences is that certain types of disputes between members and AFRINIC will result in severe connectivity problems for the member.</p> <p>The member suddenly might find themselves in a situation where not only the AFRINIC registration of IP addresses falters (a serious problem), but additionally the member's</p>	<p>Addressed</p>	<p>Mail from AFRINIC https://lists.afrinic.net/pipermail/rpd/2021/013399.html</p>

<p>internet connectivity is forcefully taken offline (an even bigger problem!)</p>		
<p>Any mistake AFRINIC makes in the ASO publication will result in significant problems for third parties. (Possibly outside AFRINIC region)</p>	<p>Addressed Operational</p>	<p>https://lists.afrinic.net/pipermail/rpd/2021/013307.html https://lists.afrinic.net/pipermail/rpd/2021/013311.html Staff Impact Assessment https://www.afrinic.net/policy/proposals/2019-gen-006-d3#impact</p>
<p>The draft policy *does not* mandate that a separate TA be used. I have previously suggested that this should be mandated in the policy, but this was not done.</p> <p>As long as the draft merely says that a different TA *could* be used, defences in this vein are bogus.</p>	<p>Addressed</p>	<p>Mail from AFRINIC https://lists.afrinic.net/pipermail/rpd/2021/013399.html Staff Impact Assessment https://www.afrinic.net/policy/proposals/2019-gen-006-d3#impact</p>
<p>No, it is not possible to eliminate the potential for conflict between resource holders and AFRINIC.</p> <p>Some scenarios that I can anticipate:</p>	<p>Addressed (Operational)</p>	<p>Mail from AFRINIC https://lists.afrinic.net/pipermail/rpd/2021/013399.html Mail from Nishal https://lists.afrinic.net/pipermail/rpd/2021/013306.html</p>

<p>- Sanctions actions - Ex-parte injunctions - Banking/payment clearance disruptions - Bona fide disputes arising from the RSA - Bona fide disputes arising from the CPM - Administrative error</p> <p>... and probably many more that I have not thought of.</p> <p>This policy elevates each one from an administrative inconvenience to a DOS at the scale of (potentially) millions of Internet users.</p>		
<p>Implementing this policy does present the potential to introduce some risk in the RPKI system operated by AFRINIC.</p>	<p>Addressed</p>	<p>Mail from AFRINIC https://lists.afrinic.net/pipermail/rpd/2021/013399.html</p> <p>Mail from Nishal https://lists.afrinic.net/pipermail/rpd/2021/013335.html</p>
<p>This proposal suggests a solution which *could* lead to the opposite, almost in a non-recoverable way. We have already today seen</p>	<p>Addressed Operational</p>	<p>https://lists.afrinic.net/pipermail/rpd/2021/013311.html</p> <p>Mail from AFRINIC https://lists.afrinic.net/pipermail/rpd/2021/013399.html</p>

<p>examples where ROAs has been revoked due to the fact that there has been error in the billing process. Imagine that error, or any other similar error, that would automatically create AS0 ROAs for space can be disastrous</p>		
<p>“that this policy does not provide adequate compensation, prompting us to ask the following questions: who will ensure that the asset value of intellectual property is preserved and properly protected, and who will be ultimately responsible for the financial consequences of anything that goes wrong with this policy?”</p>	<p>Addressed</p>	<p>Staff Impact Assessment https://www.afrinic.net/policy/proposals/2019-gen-006-d3#impact “unallocated and unassigned space here means available and reserved space as per the AFRINIC extended delegated stats file.” https://lists.afrinic.net/pipermail/rpd/2021/013307.html https://lists.afrinic.net/pipermail/rpd/2021/013311.html Mail from AFRINIC https://lists.afrinic.net/pipermail/rpd/2021/013399.html</p>

Table 2

Conclusion and Recommendation

Based on the above information, we advise the AFRINIC Board to ratify the draft policy proposal at its earliest convenience.

Vincent Ngundi & Darwin Da Costa
AFRINIC PDWG CO-CHAIRS

#	Appeal record	AC Review	AC Decision
1	Appeal against the declaration of consensus on proposal Resource Transfer Policy (AFPUB-2019-V4-003-DRAFT04)	The appeal is against the co-chairs' decision made on Sep. 17, 2020, but received on Oct. 15, 2020. Which did not meet the two weeks limit to submit an appeal.	Appeal Set-aside, Not accepted for further review due to appeal formalities not properly followed.
2	Appeal against the consensus determination on proposal AFPUB-2019-V4-003-DRAFT04 (Resource Transfer Policy)	Appeal accepted for review. Chairs declare rough consensus and move the proposal to the last call period without sharing the final version of the proposal which is a procedural error violating section 3.4.3 of the CPM.	Appeal succeed, This annulled the co-chairs decision announced related to this proposal.
3	Appeal against the confirmation of consensus declared by the Policy liaison team and the Board on the selection of PDWG Co-Chairs	The appeal is not against a decision made by PDWG Co-Chairs.	Appeal Set-aside, Not accepted for further review due to appeal formalities not properly followed.
4	Appeal against the confirmation of consensus declared by the Co-Chairs on "ABUSE CONTACT UPDATE POLICY"	1- The issue under appeal has not been discussed either with the PDWG Chairs or in the PDWG prior to the submission of this appeal. 2- The members who supported the appeal did not participate in the discussions on the policy.	Appeal Set-aside, Not accepted for further review due to appeal formalities not properly followed.
5	Appeal against the non-consensus determination on the General Abuse Contact Policy -Draft 1	1- The issue under appeal has not been discussed either with the PDWG Chairs or in the PDWG prior to the submission of this appeal. 2- The members who supported the appeal did not participate in the discussions on the policy.	Appeal Set-aside, Not accepted for further review due to appeal formalities not properly followed.
6	Last Call - RPKI ROAs for Unallocated and Unassigned AFRINIC Address Space AFPUB-2019-GEN-006-DRAFT03.	The appeal is against the co-chairs' decision made on June 3rd, 2021, but received on July 22, 2021. Which did not meet the two weeks limit to submit an appeal.	Appeal Set-aside, Not accepted for further review due to appeal formalities not properly followed.
7	Appeal against the consensus determination of "RPKI ROAS FOR UNALLOCATED AND UNASSIGNED AFRINIC ADDRESS SPACE"	Appellant claimed that many objections and concerns raised during the last call were not addressed. The appeal committee realized that all objections and concerns raised were fairly addressed.	Appeal failed, This confirms the co-chairs decision announced related to this proposal.