

Review of the RIPE Appeals Procedure

In October 2020, the proposer of the [RIPE Policy Proposal 2019-04](#) appealed the decision made by the Working Group chairs of the Anti-Abuse WG who had previously declared that this proposal didn't reach consensus. Following this appeal, the WG Chairs Collective (WGCC) decided to uphold the decision of the Anti-Abuse WG chairs.

It was the first time that the appeals procedure as defined in the [RIPE Policy Development Process \(PDP\)](#), was used.

After this appeal ([APPEAL-2019-04](#)) was completed, all parties involved were invited to provide feedback.

In this document, you will find the outcome of this review together with a number of recommendations. In Appendix A, you will find the chronology of the appeal.

A. Additional documentation

Observation 1: Dealing with an appeal involves more than what can be defined in the PDP. While the PDP provides the main framework for processing an appeal, details such as who communicates what to whom is not part of the PDP itself.

Recommendation 1: Create a playbook maintained by the RIPE NCC that will list all tasks and responsibilities of an appeal. This playbook will define what lies within the Policy Officer's (PO's) formal competence and authority, and allow referral to the WG, WGCC and the RIPE Chair, in case of doubt (e.g. communication with the appellant).

It is also recommended to check early in the process if the policy proposal contains any implementation details that are out of scope for the policy discussion.

B. The role of the WGCC during an appeal

Based on the discussion on the WG mailing list and during RIPE Meetings, the WGCC needs to determine whether to uphold or reject the decision made by the WG chairs.

During this first appeal, we noticed a number of things that could be improved or clarified in order to avoid misunderstandings.

Observation 2: The current PDP document leaves some room for interpretation. Also, based on the level of experience, some parts of the process can be more or less emphasised. Especially new WG chairs and chairs of WGs that do not receive policy proposals on a regular basis might not be familiar with all aspects of the PDP.

Recommendation 2: As part of the WG chairs onboarding process, provide clear guidance to WG chair regarding to the RIPE PDP. Create a check list with everything a WG chair can or should do throughout a policy proposal and related discussion.

Observation 3: As specified in the PDP, "the WGCC will decide by consensus whether to uphold or reject appeals which have been submitted". The WGCC is comprised of the chairs of all active working groups. In addition to that, the RIPE Chair, RIPE Vice Chair, and a number of RIPE NCC support staff, such as the PO, the RIPE Meeting organiser and RIPE NCC Communications staff, are subscribed to the WGCC mailing list.

In this specific case, the main discussion took place outside the mailing list during a conference call with only WG chairs who were not recused from the discussion. The outcome of this conference call was then confirmed on the WGCC mailing list. However, this can lead to confusion and misunderstanding about who participated in the decision-making process.

Recommendation 3: Create a separate mailing list for discussing an appeal. The full WGCC with the exception of those recused will be subscribed to this list. In addition to this, the RIPE NCC PO and an external person who facilitates the discussion could be subscribed to this list.

If the WGCC communicates outside this list (e.g. during a conference call), the following information is required:

- When and how the meeting was held
- Who joined the meeting and in what capacity
- Notes showing that the appeal was considered
- Who is tasked to summarise the discussion

Observation 4: During the early stages of the appeal, it was not entirely clear who should or could be recused from the process. Since the WGCC only reviews the process and not the content of the original policy proposal, this means, that in principle no other WG chairs, apart from those who chair the WG in which the proposal that is being appealed was discussed, need to recuse themselves from the appeals discussion.

Recommendation 4: We suggest to clearly document the scope, tasks and responsibilities the WGCC has to take during an appeal.

Observation 5: The PDP does not specify what needs to be included in the final decision or communication from the WGCC. As written at the moment, the only requirement is to evaluate whether the WGCC upholds or rejects the original decision made by the chairs of the WG in which the appeal has been filed.

It might be helpful to document the outcome of the WGCC's review together with any recommendations or conclusions they might have. Such a document might be viewed as additional explanation to motivate the decision made. It is not part of the official decision of the WGCC and can therefore not be disputed.

Recommendation 5: Document the reasoning behind the final decision of the WGCC. The WGCC may decide to publish parts of this reasoning together with their final decision, but this is not a requirement as specified in the PDP.

Observation 6: The WGCC is normally chaired and moderated by the RIPE Chair. However, since the RIPE Chair is listed as the last escalation point in the appeals process, it was decided that both, the RIPE Chair and the RIPE Vice Chair, would not chair or take part in the discussion.

It was considered to ask an external facilitator to moderate and lead the discussion. However, there was a concern that involving an individual who is not a member of the WGCC could be seen as a breach of the PDP. The WGCC decided instead to choose one WG chair to facilitate and summarise the discussion.

Recommendation 6: The WGCC needs to choose a facilitator who moderates the discussion regarding the appeal and summarises the results. The role of the facilitator should be defined in the PDP.

C. Observations related to the PDP

Observation 7: The PDP states that “interested parties shall recuse themselves from any discussion or decision within the WGCC relating to the appeal”. Earlier versions of the PDP included a more detailed description. As mentioned above in Observation 4 only the WG chairs of the original WG need to recuse themselves. However, others might also feel uncomfortable participating in the discussion.

Recommendation 7: Clarify who count as “interested parties” during an appeals process in the PDP. See Recommendation 4.

Observation 8: The current PDP document states that “if the dispute cannot be resolved by the decision of the WGCC, the issue should be brought to the RIPE Chair.” No deadline is defined for escalating the appeal to the RIPE Chair.

Recommendation 8: Add a deadline in the PDP Appeals Process for escalating the appeal to the RIPE Chair.

Observation 9: The PDP document “is owned by the RIPE Chair”, but there is no clarity on how to edit it. It is assumed that changes to the PDP itself will follow the PDP. However, this is not documented anywhere.

Recommendation 9: Add a section in the PDP clarifying how to update the document.

Observation 10: Often formal policy proposals are submitted to the relevant WG without prior discussion of the underlying problem statement and possible solutions. This can result in extra work for all parties involved. It can also lead to unwanted reactions towards the proposer if the motivation for the proposal is not fully understood by everyone involved in the discussion. A formal policy proposal requires following a certain format and doesn't allow a lot of extra information or explanation.

Recommendation 10: Discuss an idea for a policy proposal on the relevant mailing list before it is submitted as a formal policy proposal. It is also preferable that policy proposals are submitted by more than one person. However, this is not required.

Appendix A: Chronology of Appeal 2019-04

You can find the chronology of appeal 2019-04 below.

5 October 2020

- Appeal-2019-04 submitted
- RIPE NCC PO informs WGCC mailing list about the appeal
- Some of the WG chairs recuse themselves from the discussion. In addition to the Anti-Abuse WG chairs, a number of WG chairs recuse themselves because they participated in the discussion of Proposal-2019-04.

13 October

- The appeal is published on ripe.net.

14 October

- The RIPE Chair and RIPE Vice Chair recused themselves from the appeal process.

15 October

- The RIPE NCC PO proposed a set of dates for a conference call with those participating in the appeal.

16 October

- One of the WG chairs volunteered as meeting facilitator.

20 October

- Conference call to discuss appeal.

21 October

- The facilitator sent a draft response for review to the WGCC mailing list.

21 October

- A number of comments about the draft response were received on the WGCC mailing list.

22 October

- The facilitator sent a second draft response for review to the WGCC mailing list.

23 October

- Some additional comments were received on the WGCC mailing list.
- The facilitator sent the final response to the WGCC mailing list.
- The RIPE Chair Team confirmed receipt of final document.

26 October

- The RIPE Chair communicated the outcome of the WGCC's discussion to the appellant. The outcome was also published on ripe.net.
- The appellant replied.
- The RIPE NCC PO addressed two issues pointed out by the appellant regarding the publication of the appeal outcome.

29 October

- The RIPE NCC PO confirmed to the RIPE Chair that a clarification about the appellant's next steps is needed.

3 November

- The RIPE NCC PO sent a request for clarification to the appellant.
- The appellant mentioned that he did not wish to escalate the appeal at this stage and asked additional questions.

4 November

- The RIPE NCC PO forwarded the appellant's questions to the RIPE Chair Team.

11 November

- The RIPE Chair Team asked the RIPE NCC PO to pass on their reply to the appellant.

12 November

- The RIPE NCC PO sent a reply to the appellant via the Anti Abuse WG mailing list mentioning a two-week deadline to escalate the appeal to the RIPE Chair.

26 November

- No reply from the appellant was received during the two-week period; the appeal was closed.