

Appeal against the Anti-Abuse WG Co-chairs decisions on proposal 2019-04 (Validation of “abuse-mailbox”)

This appeal follows the process outlined by ripe-710 (RIPE PDP).

The Co-chairs indicated their decisions in the email to the list, on September 7 (<https://www.ripe.net/ripe/mail/archives/anti-abuse-wg/2020-September/005929.html>), summarizing the two opposing arguments:

- 1) “the effort and cost to implement this proposal are too great in relations to the benefits that are alleged”
- 2) “forcing operators to use only email for handling abuse reports and internal handling procedures should be solely defined by the operator”

In addition to that, the Co-chairs also stated:

- 3) “With all of this in mind, and with the continued failure of any kind of consensus from the working group, the Co-Chairs have decided to withdraw this proposal. As always we would welcome proposals on this and other matters, however we do not feel that there is any likelihood of 2019-04, regardless of possible edits, reaching consensus in the short or medium term”

1) and 2) above, were already addressed during the different phases a number of times. There was also an exchange of messages among the author and the Co-chairs and Policy Officer, which didn't help to resolve the issue: The Co-chairs maintained their decision regarding this proposal.

An analysis of the responses provided by different WG participants, including the author, and the Policy Officer, shows that there is no factual ground to state what will be the real effort neither cost to implement the proposal, and even less to state that those are too high versus the benefits.

The Impact Analysis provided by the staff is vaguely speaking about a medium impact (3 months) and a “significant increase in FTE's”, without a proper justification, which doesn't match with what can be considered as reasonable in terms of programming hours on top of the existing validation procedure, which could be easily adapted to match this proposal requirements.

Much less if it is considered that a more complex and exhaustive proposal has been implemented already by APNIC and it is in implementation process in LACNIC. Neither it has been reported by AFRINIC staff as an issue (where it is being discussed as well), moreover, it is showed the clear benefic versus the cost. Same situation in the ARIN case, where a similar policy exists, without the indicated cost issues (which also mandates operators to check their emails to click in a validation link).

The Impact Analysis is also mixing “implementation” with the first round of validation, which clearly are different things.

As it has been explained during the discussion, as well, the proposal provides, on purpose, to the RIPE NCC, flexibility for the different timings, which means that even with a close to zero cost, the staff could arrange the first validation across as many months as needed, depending on the validation failures, so the same efforts/cost as per the actual validation system will be sufficient.

The Policy Officer response to some of those points (<https://www.ripe.net/ripe/mail/archives/anti-abuse-wg/2020-July/005920.html>), show figures difficult to believe, unless they correspond to a clear demonstration that the actual abuse-c policy (ripe-705) is useless and the existing validation procedure is hiding many mailboxes, which aren't able to actually receive emails, even while they are passing the validation. So indubitably, it is a fake validation, extremely easy to distort.

This is clearly in evident contradiction with the existing policy, which states “The role objects used for abuse contact information will be required to contain a single “abuse-mailbox:” attribute which is intended for receiving automatic and manual reports about abusive behavior originating in the resource holders' networks.” (a) and “The RIPE NCC will validate the “abuse-mailbox:” attribute at least annually. Where the attribute is deemed incorrect, it will follow up in compliance with relevant RIPE Policies and RIPE NCC procedures.” (b).

As a consequence, this is demonstrating that the existing validation (b) is not fulfilling the purpose of constating that the “receiving” (a) is even possible.

Further to that, indicating “We estimate 10 times the amount of workload that is currently spent on abuse-c validation”, without stating how much is the actual workload in terms of hours or FTEs, doesn't provide any grounds to reach the conclusion that the objections in 1) can be true and even less a valid objection towards the non-consensus.

In fact well known community members, which have worked as RIPE NCC staff, have raised similar questions without any response from the RIPE NCC (<https://www.ripe.net/ripe/mail/archives/anti-abuse-wg/2020-July/005918.html>).

Complementing this point, it should be observed that the policies are made by the community, not the membership. If there is a real concern, based on facts, over the cost/benefit of a proposal, this is not a matter for the community decision or even less to be taken as a valid objection. Instead, it is something that should be considered by the board, same as they provided objections to the proposal 2019-3. Even in that case, it is obvious that it should evaluate not just the cost of the proposal, but also the savings, for example when victims are unable to contact the members and they instead contact the RIPE NCC, and even possible liabilities because the actual implementation of the existing proposal, which clearly is not conform to the existing text.

To add realistic facts, the implementation of a much stricter version of this proposal in APNIC, presented by their staff a few weeks ago (<https://conference.apnic.net/50/assets/files/APCS790/prop-125-implementation-updateV2.pdf>), shows that 87.7% of the contacts have been successfully validated in the last six months. If in the RIPE region this is not feasible, once more, it shows a clear problem that must be resolved.

It should be considered as well that the actual implementation in APNIC is making a mistake, that was reported in the proposal, so to avoided, by the proposal authors (as an example of a possible validation procedure). The goal is to avoid helpdesks to not validate the email from the RIR, by including a direct link instead of a code, as it could be confused with a phishing attempt, creating a security risk. Clearly, an update on the implementation greatly will bring the validation percentage much closer to a full coverage of all the contacts, and in each round, it should be expected that this is better and better. This, and other possible improvements have been detailed also after the APNIC staff presentation (<https://mailman.apnic.net/mailling-lists/sig-policy/archive/2020/09/msg00004.html>).

So clearly, it is untrue that the costs are bigger than the benefits, even not considering the cost for victims when they need to report abuse cases to mailboxes, which is not known at all, as already said, even if they are passing the actual validation, but they are actually unable to receive emails.

In order to respond to 2 above, this proposal is not changing what the actual policy is stating, as it has been indicated previously. This proposal is making it crystal clear, because the existing policy text which already states “intended for receiving”, seems to be unclear, according to the implementation results (again, mailboxes that actually are unable to receive abuse reports).

If the actual policy already indicate that they should be able to receive reports, clarifying that it “must receive messages”, is not a different thing. The problem is the unrealistic interpretation being done in the actual policy implementation.

When the actual policy indicate that they should be able to receive reports, clearly means it can't force the victims to use a form. Again, it is a misinterpretation of the existing policy and this policy is not changing that, just making a transparent text so any reader (even non-native English), can interpret it without any doubts.

It is unrealistic to believe that using forms is acceptable if the intent is to receive reports in the abuse mailbox, moreover if it is considered the cost for any victim, manually filling a form it is much more expensive and this is bigger problems for the entire community, not just the membership. Once more, we shall remember that the policies are made by the community.

Moreover, the form can be different for every one of the resource holders, or even more, for every kind of possible abuse type, for every possible resource holder. All that makes impossible to have an automation and clearly, once

more, explains the cost/benefit advantage of the proposal contradicting also 1) above.

It shouldn't be necessary to explain why, from the perspective of the community, sending reports by email is cheaper than using forms. There are even automated open source tools that do that (e.g., fail2ban). From the perspective of operators processing the abuse cases, the situation is the same: There is no difference in creating a form and processing it, vs using open source tools that handle the emails and auto-respond in case all the required information is not there.

It should be noticed that victims (regardless of if they are individuals or organizations) always have the right to claim in courts for compensation and damages for any kind of abuses of any RIPE NCC member, and following the provisions of the SSA (ripe-745), article 8 (Liability), this may be enacted against RIPE NCC, which in turn will be claimed back by the RIPE NCC to the relevant member. So, once more, there is a clear benefit versus the presumed cost. Not to forget that, if the community doesn't resolve this by their own, governments could enforce it, on their duty to protect consumers and organization rights and make the situation worst.

Further to that, members not making a reasonable and responsible use of the resources (understood as anything creating damages to others), which also imply not using them for what may be illegal activities, are clearly acting against SSA Article 9.4.c. This means victims will be able to claim to RIPE NCC, and this is an extra cost that is borne by the RIPE NCC and definitively will be alleviated by following a correct interpretation of the existing policy, which is what this proposal is bringing. So once more, not costs, but savings.

Finally, regarding both 1) and 2) above, the Co-chairs indicated "There was no attempt to address the opposing arguments above during the review phase.", which is not correct, in the sense that the opposing messages where repeating the arguments that have been refuted already in the Discussion Phase. The PDP states that "During the Review Phase, discussion of the proposal can continue". However, there is nothing in the PDP that requires or enforces to "continue" by repeating the objections neither arguments against them. Repeating something more times will not change what has been said already.

Regarding 3) above, it is clear that also part of the community is in favor of the proposal, and not just the author.

If we look at the history of other proposals, several of them took more than 15 (not 18 as indicated by one of the objections in the list) months, to reach consensus. In fact, sometimes we can see that there is consensus in part of a proposal and we can move on removing the res, rewording or even splitting the proposal in different parts, which can reach consensus in a different timing. There are many factors, even just considering who are the active participants in the list at a given moment (or even time in the year, such the longer summer vacations period, like it was in this case).

Even the Co-chairs could have considered extending the Review Phase as per 2.3.c of the PDP in a clear situation of lack of inputs in this phase.

It is uncontested, in fact impossible, unless you have a “crystal ball”, to prejudge the impossibility to reach consensus (“we do not feel that there is any likelihood of 2019-04, regardless of possible edits, reaching consensus in the short or medium term”).

The author already indicated that maybe, what it is now in the proposal a suggestion/example (the use of X-ARF, RFC5965/6650), may be the possible way forward (and there was some support on that direction from the community). This demonstrates that the objections (and still clarifying the text of the actual policy) regarding the use of forms can be removed and consensus achieved. Following that approach, the forms could be kept, but simultaneously configured so they can automatically receive the X-ARF reports from the abuse-mailbox, or vice versa, and thus not be any more a problem for and operator to choose one or the other.

It is very clear that in our policies (as all the RIRs do), we frequently require compliance with RFCs, and this demonstrates that, contradicting 2) above, we define thru policies details about how operators should work. The point of agreement about “how much” we define in policies is precisely what we call consensus.

In conclusion:

1. It is not acceptable to declare lack of consensus and at the same time recognize that there was “some clear support for the policy during the Discussion Phase”.
2. It is not acceptable to, due to the lack of messages in the Review Phase, instead of extending it, considering the summer vacations period, declare lack of consensus.
3. It is not acceptable to accept repeated objections as valid when have been already refuted in a previous phase.
4. It is not acceptable to, considering the PDP (“The PDP is designed so that compromises can be made and genuine consensus achieved”), subjectively decide that “regardless of possible edits, reaching consensus in the short or medium term”, when there are possible ways to address the objections, which have anyway already being addressed.

All that said, in my opinion it is clear that there are grounds to state that there are mistakes on the handling of the proposal in the Review Phase, and consequently it should be brought back to the Review Phase, with a new version, according to the PDP 2.3.b.

Alternatively, if the staff prefers to re-evaluate the Impact Analysis, it will be also acceptable to bring the proposal back to the Discussion Phase, according to the PDP 2.3.a.

What it is clearly unacceptable is that the discussion can't be continued.

Please confirm the reception of this appeal and that all the requirements to proceed with it are met.

I remain at your disposal for further clarifications which may help to resolve this appeal as soon as possible.

Thanks in advance for your work!

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