

## **APPEAL TO THE IESG AGAINST AN IESG DECISION**

I gave a chance to a resolution of this conflict in peace. I delayed this appeal to the maximum of the IESG decided calendar. I indicated in vain on which reasonable basis for the IETF and the concerned parties a solution could be found. I used an IESG appeal to force a beginning of dialog with Harald Alvestrand. I do not see what I could do more. So, let another appeal be, since everyone but me seems to enjoy.

On January 18th 2006 Scott Hollenbeck has notified by mail sent on the IETF mailing list that the IESG has decided to consider the request of Harald Alvestrand of a PR-action against me. I appeal against this decision, if I am correct, made for the IESG as per RFC 3683 by the quitting IETF Application AD.

### **1. an illegal RFC**

I am not interested in this part in the conformance of the IESG procedure with RFC 3683, nor in the particulars of the case. They are addressed in other parts. I am interested in the general conformance of RFC 3683 (as experimented through this case) with the Human Rights. From my experience RFC 3863 PR-actions are in violation of the most elementary rights of the persons.

**"Article 10** - Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him. "

- The IESG decides to prosecute and will be the jury. It is not impartial.
- Some IESG Members may have COI in the case. It is not independent.
- The prosecution benefits from a "shepherd", the defence not. There is no equality.
- Hearings are not public since IESG may receive mails not disclosed to the considered IETF participant.
- Hearings are not fair since the accused participant cannot contradict the charges (which have not even been investigated).

**"Article 11** - Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence."

- from experience no public mail presumed innocence, none from IESG even discussing its possibility.
- RFC 3683 is a lynching under the IESG responsibility which permits ad hominem on a large scale
- the defence has no other right than to be insulted and to be explained how/why it will not be read.

**"Article 12** - No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks."

- the RFC 3683 appears to be a license for arbitrary interference with privacy and personal business and for defamation and attacks upon the honour and reputation of the considered IETF participant.
- the IETF offers no protection such as secret of the mails sent on the case, banning of the public comments, co-action in justice to protect the honour and reputation of its considered participants, responsibility of the plaintiff. PR-action seems to be a one way duel.

**"Article 19** - Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontier"

- RFC 3683 permits to censor any minority position as off-topic or disruptive with no other proof needed than to declare it.

I wish to note that this case has developed because I am concerned by the good of the IETF. But I may disagree with its "affinity group" described by RFC 3774. My reasons are detailed by the IAB in RFC 3869. I

therefore respect the Internet standard process and its appeal procedures. I shown I have no intent to harm the IETF, to the contrary. RFC 3869 is supposed to address real disrupters' cases. By essence, disrupters would be disrupters. They would take advantage from the flaws I experiment. I am in particular concerned by the negative result the publicity in media of an RFC 3869 case like this one. Also, by the devastation justice actions against defamers could represent: for the individual defamers, for their corporation when they use corporate mailnames, for the IETF which endorsed the proceedings. Also, by the impact on IETF participation when participants understand the IETF does not care about their reputation and honour when the way its "leaders" want to "influence the way people design, use, and manage the Internet" (RFC 3935) is at stake.

I proposed some remedies to these difficulties and I am ready to discuss them from my own experience. But even with such remedies the effect is limited to disrupters who accept the decisions of the IESG in their disfavour. I hardly call them disrupters

**"Article 2.** Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."

- the whole concept of RFC 3683 is based upon the intent to protect WG from designated disrupters. This calls for a decision to know from the past if in the future a participant will be a disrupter and to decide preventive suspension. This is definitely discrimination on the origin.

- I note that in many occasions I met discrimination on language, opinion and R&D status basis. In no case the debate by the IETF on this issue has been up to now technical.

## **2. a PR-action can be a DoS against the IESG and the concerned participant.**

2.1. I have the feeling of being used as a fire ship against the IESG. In respecting the Internet standard process my only possibility is in mailing and appealing to the IESG. This way I increase their workload and mine. I bore them negatively. I get bored myself. All the more than I ignore the mails the IESG may receive.

2.2. the PR-action has triggered active and disrupting threads on the IETF mailing list. This was expectable. It led to a Draft to be discussed and a LC to be started. It is opposed. Let suppose my mailing had been worthless, what it was not. The total of time wasted by the PR-action since October, over the whole IETF is significantly more important than the total of time my own mailing could have made wasted. Yet, there is not risk for the PR-action requester to be held accountable for this waste if he is turned wrong.

2.3. If I am correct the PR-action request is to ban me from WG-LTRU and [ietf-languages@alvestrand.no](mailto:ietf-languages@alvestrand.no), so they can perform their job. WG-LTRU should have concluded their work for a long (I was not involved in their current work, what lead to long blank time). This is why I have the distinctive feeling that the PR-action is actually to protect the [ietf-languages@alvestrand.no](mailto:ietf-languages@alvestrand.no) from being disbanded in application of the RFC 3066 Bis. Why to urgently ban me from two nearly defunct mailing lists? But then, how to disband a list one has painstakingly "protected" from its competition. As if I was the only one and the worst ....

I am supposed to have opposed the consensus driven process in being "off-topic"/"disruptive". I submit that I actually drove the consensus process (against me in most of the cases). This way, I obtained the IESG agreement I wanted, when I wanted it. This can easily be verified in considering the difference of Draft quality between its Dec. 2004 (I made to fail) and its IESG approved Nov. 2005 version. The number of comments registered by the Chair in his system can also demonstrate it. The time of approval, compared to the Tunis agreement.

One may not share my point of view. One may not understand my Franglish (surprising on a list of foreign language experts). One may find my propositions too complex, stupid, etc. This does not mean I am off-topic and disruptive in the way documented by RFC 3869. But, I understand that one may be upset at having consensually decided in my favour. And not to be fair-play.

2.4. If some may doubt that I consensually obtained the points I wanted, here is a partial list:

- the IESG approved of an over constraining RFC 3066 Bis ABNF limited to the intents of its authors
- the IANA opened the Language Subtag/Extension Registry, closing the ietf-languages@alvestrand.no
- the WSIS confirmed the world's call for network multilingualisation and work on language codes.
- the Tunis agreement eventually made the Internet local to the USA as per the Congress resolution
- the IAB confirmed the need to seriously organise the non-WG mailing lists
- my intents on ethics, user representation, multilingualisation have not been opposed by the IAB/IESG.
- my RFC 3066 Bis is a security warning and an interoperability proposition on the IETF site for ever.

The WG-LTRU is engaged in filtering issues and muddled in RFC 3066 Bis limitations: My RFC 4251 proposition (refused to be considered by the Chair, AD and IESG - now in my appeal) could help them to address it. The DRS (distributed registries system) I work on will not be harmed by the constrained RFC 3066 Bis. It will provide an interoperability patch.

I was eventually able to kiss good-bye to the now purposeless ietf-language@alvestrand.no mailing list: But I had to wait for my posting rights to be restored...

2.5. I have two remaining interests:

- the appeal I introduced about RFC 3066 Bis. It would permit RFC 3066 Bis to be accepted as an Internet local solution by other systems.
- the respect of the IESG authority resulting from RFC 3066 Bis. This concerns: (a) the creation, the publishing and the control of the ietf-languages@iana.org by the IANA, (b) the regular procedure of appointment by the IESG of an independent and consensually accepted Languages Subtag (and Extension) Reviewer, competent in modern multimodal language issues, international affairs, network technology, applications development, and their marketing, political and societal extension.

### **3. the discrepancies of the case**

3.1. The notification of the PR-action mentions that Harald Alvestrand has requested it. It does not even bother to quote this request. So I do not even have a quote of the act of accusation. Actually none had it during the whole LC which ends today. This means that the whole LC may have discussed many things but the LC matter.

This obviously voids the LC.

3.2. No serious investigation on the allegations of that request has been carried (at least of the request I perused five months ago). There were some point I could alone to document in my interest. Many other I really need to be explained: I just do not understand them (I received a reasonable number of mails which show that I am not alone).

3.3. the rationale of PR-action is not what I did, but actions undertaken against me by others upon motives they decided or decisions they took. This is a bizarre situation. This is the first time that I find something in the Internet architecture, which fully scales.

3.4. I note there are two kinds of suspension used to support the PR-action request:

3.4.1. suspensions by the WG-LTRU Chairs.

- what has Harald Alvestrand to do with the WG-LTRU management?
- the last quoted date is 8 Nov 2005 - a week before I obtained what I wanted (cf. supra) and I drop interest in WG-LTRU (except to assist them, in the case my appeals would result in requiring some text changes). My target was a competition harmless correctly made document adopted by consensus. I proposed to co-write. This was decided by the Chairs, with no debate, it would be a continuation of the twice LC failed Draft. Under the circumstances, I could only build a consensual propositions against me.

This led to a special situation, but it worked. I was actually leading the consensus driven process. An appeal to the IESG would have killed that efficient system. I only made clear that it would happen at the end of the process. Experience shows that it permitted me to introduce a very limited appeal.

#### 3.4.2. suspensions from Harald Alvestrand.

When it became clear they were part of a vision tending to oppose the IESG RFC 3066 Bis authority and maintain a control on the IANA Languages Registries, I appealed of the current one. The IAB turned down the IESG confirmation. I appealed from the next one: it is under consideration.

#### 3.5. Legitimacy of the request for PR-action

ietf-languages@alvestrand.no is considered by the IESG as an IETF Mailing list (while the IAB calls for a clear status of the non-WG lists). Harald Alvestrand's request would not hold if there were not a formal IESG decision to that end. I did not find that decision, nor its date (prior to the date of the warning).

## Appendix: Scott Hollenbeck mail

At 13:34 18/01/2006, Scott Hollenbeck wrote:

The IESG has received a request from Harald Alvestrand to approve an RFC 3683 PR-action ("posting rights" action) for JFC (Jefsey) Morfin as a result of a pattern of prior warning and posting rights suspensions for off-topic postings to the LTRU working group and ietf-languages mailing lists that have not produced a change in behavior. This behavior has been characterized as a "denial-of-service" attack to disrupt the consensus-driven process as described in Section 1 of RFC 3683. A timeline of warnings and posting rights suspensions related to this request is included below.

The IESG will consider this request. If approved, the PR-action described in Section 2 of RFC 3683 includes provisions to allow list administrators to suspend Mr. Morfin's posting rights to the LTRU working group and ietf-languages mailing list for at least one year. Maintainers of other IETF mailing lists may also remove posting rights to their mailing lists at their discretion.

The IESG plans to make a decision in the next few weeks, and solicits final comments on this action. Please send any comments to the [iesg@ietf.org](mailto:iesg@ietf.org) or [ietf@ietf.org](mailto:ietf@ietf.org) mailing lists by 17 February 2006.

For the IESG,  
Scott Hollenbeck  
Applications Area Director  
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Private warnings sent for LTRU working group mailing list postings:

7 July 2005  
16 July 2005  
23 September 2005  
26 October 2005

Public warnings and suspensions for LTRU working group and ietf-languages mailing list postings:

17 March 2005 (ietf-languages warning)  
<http://www.alvestrand.no/pipermail/ietf-languages/2005-March/003236.html>

5 April 2005 (LTRU warning)  
<http://www1.ietf.org/mail-archive/web/ltru/current/msg00564.html>

12 May 2005 (LTRU suspension)  
<http://www1.ietf.org/mail-archive/web/ltru/current/msg01737.html>

26 May 2005 (LTRU warning)  
<http://www1.ietf.org/mail-archive/web/ltru/current/msg01897.html>  
(Used as basis for 4 July suspension.)

15 June 2005 (ietf-languages suspension)  
<http://www.alvestrand.no/pipermail/ietf-languages/2005-June/003474.html>

4 July 2005 (LTRU suspension)  
<http://www1.ietf.org/mail-archive/web/ltru/current/msg02532.html>  
(Appealed to AD, appeal upheld, new warning given.)

5 July 2005 (LTRU warning)  
<http://www1.ietf.org/mail-archive/web/ltru/current/msg02548.html>

15 September 2005 (ietf-languages suspension)

<http://www.alvestrand.no/pipermail/ietf-languages/2005-September/003585.html>

26 September 2005 (LTRU warning)

<http://www1.ietf.org/mail-archive/web/ltru/current/msg03755.html>

7 October 2005

PR-Action request sent to IESG

<http://www1.ietf.org/mail-archive/web/ietf/current/msg38183.html>

15 October 2005 (LTRU warning)

<http://www1.ietf.org/mail-archive/web/ltru/current/msg03941.html>

8 November 2005 (LTRU suspension)

<http://www1.ietf.org/mail-archive/web/ltru/current/msg04032.html>

(Appealed to AD, appeal denied by AD.)

20 November 2005 (ietf-languages suspension)

<http://www.alvestrand.no/pipermail/ietf-languages/2005-November/003811.html>

(Appealed to AD/IESG, appeal denied by IESG, appealed to the IAB.)

13 January 2006 (ietf-languages suspension)

<http://www.alvestrand.no/pipermail/ietf-languages/2006-January/003854.html>

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IETF-Announce mailing list

[IETF-Announce@ietf.org](mailto:IETF-Announce@ietf.org)

<https://www1.ietf.org/mailman/listinfo/ietf-announce>