

Date: 14 Jan 2022

From: Co-Chairs, AFRINIC Policy Development Working Group

To: The AFRINIC Board of Directors

**Subject: Report on the Policy Proposal, AFRINIC Number Resources Transfer Policy
AFPUB-2020-GEN-006-DRAFT03**

Dear Sirs,

In line with the Policy Development Process, we would like to inform you that the above-mentioned policy proposal attained rough consensus at the last Public Policy Meeting held in online mode 17-18 Nov 2021 during AFRINIC-34.

Co-chairs believe that the current version of the proposal (Ver. 3) addresses notes 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 at 23h59 UTC on 5 January 2022.

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

Date	Milestone/Activity
17 October 2020	The proposal was received on pdwg@afnic.net
03 November 2020	The policy proposal was given the ID AFPUB-2020-GEN-006-DRAFT01 and posted on website https://afnic.net/policy/proposals/2020-gen-006-d1
03 November 2020	An announcement was made on the RPD mailing list by PDWG Chairs - https://lists.afnic.net/pipermail/rpd/2020/011974.html
08 October 2020	Authors submitted an updated version of the proposal to pdwg@afnic.net
17 October 2021	The policy proposal was given the ID AFPUB-2020-GEN-006-DRAFT02 and posted on website https://afnic.net/policy/proposals/2020-gen-006-d2
17 October 2021	An announcement was made on the RPD mailing list by PDWG Chairs for AFPUB-2020-GEN-006-DRAFT02 https://lists.afnic.net/pipermail/rpd/2021/013878.html

18 Nov 2021	<p>Proposal with ID AFPUB-2020-GEN-006-DRAFT02 was presented and discussed at the <i>AFRINIC-34</i> Public Policy Meeting.</p> <p>The PDWG Chairs announced that the policy proposal reached rough consensus. “After deliberation, the PDWG Co-chairs made the following decision and announced that having considered the current version of the policy proposal, the deliberations during the current PPM and the editorial changes that the authors have committed to, they have determined that rough consensus has been reached. The updated version of the policy proposal will now move to Last Call and the community can further engage in that period.”</p> <p>https://www.afrinic.net/policy/development-working-group/ppm-afrinic-34</p>
8 Dec 2021	<p>The PDWG Chairs provided a summary of how they reached consensus and announced the start & duration of the “last-call” period. They also informed the PDWG that the authors have submitted their proposal - IDed AFPUB-2020-GEN-006-DRAFT03 and that this proposal is now moving to Last Call.</p> <p>https://lists.afrinic.net/pipermail/rpd/2021/014054.html</p>
6 Jan 2022	<p>PDWG Chairs announced the end of Last Call</p> <p>https://lists.afrinic.net/pipermail/rpd/2022/014091.html</p>
14 Jan 2022	<p>AFRINIC PDWG Co-chairs announced that the proposal AFRINIC Number Resources Transfer Policy AFPUB-2020-GEN-006-DRAFT03 has reached consensus.</p> <p>https://lists.afrinic.net/pipermail/rpd/2022/014138.html</p>

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

Concerns	Addressed/Pending	Notes
<p>There is a reason why this policy has been in discussion for a very long time and I emphatically believe that the passing of this policy by the board is a huge mistake as it directly gives an enormous level of authority and bureaucracy to the AFRINIC. Therefore meaning that all transfers will require some type of approval from the AFRINIC when they are just the managers of number resources, and they should just be facilitating a smooth transfer.</p>	Addressed	Old concern
<p>... The main point is still that the major donor of addresses is ARIN. Because this policy is not reciprocal from ARIN, several things will happen:</p> <ol style="list-style-type: none"> 1. There will not flow addresses from ARIN to AFRINIC. 2. There will be an increased flow of addresses from the other 3 RIRs to AFRINIC. 3. There may be an increase of transfers from ARIN to AFRINIC by a "mediator" other RIR, to bypass the ARIN lack of reciprocity. 	Addressed	Old concern
<p>Absence of "hold down" time of new allocations/assignments and transferred resources may lead to abuse of the registry before a resource can be put to an effective justified need</p>	Addressed	As per AF-34 PPM Minutes , this concern has already been addressed
<p>The other question arising relates to outbound transfers of resources. It is understood that the intended transfers will be channeled through AFRINIC. Therefore, other than simply setting out the conditions for transfers, AFRINIC's role in the whole process must also be adequately defined. In particular, it is unclear as to whether AFRINIC's role in the whole process would be limited to facilitating the administrative aspect of the intended transfers only with or without such legal responsibilities attached thereto, more so that AFRINIC will be relying on representation made to it when attending to similar requests. Accordingly, it is proposed that the burden of conducting such adequate due diligence with respect to the source holder or the concerned IPv4 number resources be borne by the intended recipient, and that AFRINIC's role should be limited to act as facilitator only without bearing any legal responsibility whatsoever in that process.</p>	Addressed	As per AF-34 PPM Minutes , this concern has already been addressed
<p>In regard to inbound transfer of legacy resources into the AFRINIC's region and whilst clause 3.6 of the proposed policy will require the recipient to sign an RSA, it is not clear in the proposed policy whether the concerned IPv4 legacy resource will lose its legacy status upon transfer into the AFRINIC's service region in as much as the current RSA is not presently tailored for that purpose.</p>	Addressed	As per AF-34 PPM Minutes , this concern has already been addressed

It is also important to clarify whether, in case of inbound transfers of legacy resources, AFRINIC will be able to execute its RSA with the obvious risk of the concerned IP number resources being reclaimed by AFRINIC in case of subsequent breach of the RSA, despite that the recipient organisation would have most probably paid good consideration (financial value) for such transfers.	Addressed	As per AF-34 PPM Minutes , this concern has already been addressed
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Conclusion

Based on the above information, we advise the AFRINIC Board to ratify the draft policy proposal **AFRINIC Number Resources Transfer Policy ID: AFPUB-2020-GEN-006-DRAFT03** at its earliest convenience.

Vincent Ngundi & Darwin da Costa
PDWG Co-Chairs