GRAND DUCHY OF LUXEMBOURG
Ministry of Foreign Affairs

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Directorate for Development Cooperation

European Union Africa
Infrastructure Trust Fund

SESSION III:
Legal and Administration Framework

Constitution and Registration

Internet Society

Session Objectives

➢ For the business model to be supported there needs to be a legal and administrative framework in place for the IXP

➢ Objective is for the stakeholders to discuss and agree on constitution and registration of the IXP

Recap: Institutional and Operational Models for IXPs

➢A variety of institutional models have been adopted to operate IXPs. They fall into four categories:

1. Nonprofit industry associations of ISPs
2. Operator-neutral commercial and for-profit companies
3. University and government agencies
4. Informal associations of networks

Recap: Commercial vs. Non-Commercial

➢ Most European IXPs grew from non-commercial ventures, such as research organisations

➢ Most African IXPs were established by ISP Associations and Universities

➢ By comparison, in the US the majority of IXPs are commercial, and some commercially run IXPs have emerged in Europe

➢ Most of the emerging IXPs have opted for a non-commercial approach.

Recap: Why Consider a non-Profit model

➤ Most emerging IXPs have a common objective of their founders to improve Internet connectivity rather than being built as a company.

➤ The involvement of non- commercial entities such as NRENs, ccTLDs and governmental institutions, it is easier to establish an IXP as non-profit entity

➤ a non-commercial entity is possibly better placed to maintain neutrality.

LEGAL CONSTITUTION

Legal Constitution

➢ The objective is to highlight on some of the key areas of the proposed IXP constitution.

➢ The stakeholders and workshop participants are invited to deliberate on these areas and reach mutual consensus where possible.

The IXP Organization

➢ **Organization Name;**
  - It is common practice that the name of the organization include "City/Country", "Internet" and "Exchange" such as Kenya Internet Exchange Point (KIXP) or Johannesburg Internet Exchange (JINX).

➢ **Organization Address;**
  - A physical address is required. Preference is a neutral location or a temporary address agreed amongst the stakeholders

➢ **Organization type;**
  - The organization type is either a commercial or non-commercial (non-profit). Preference for most IXPs in a non-profit organization

Organizational Objectives

➢ The objectives are an important in describing the reasons why the organization is formed

➢ Some examples of IXP organizational objectives are as follows;

- To establish and operate an Internet Exchange Point in line with internationally accepted best practices
- To share information with regional and international bodies and to forge linkages and partnerships with a view to adopting best practices
- To carry out research to obtain current information for Internet users

OPEN DISCUSSIONS

Discussion Task 1:
The IXP Name & Address

➢ The stakeholders are invited to propose at least 3 – 5 names for the new IXP

➢ From the list of names provided the stakeholders have a task of settling on one primary and one alternative incase the primary is unavailable.

➢ The stakeholders should propose a suitable address for the IXP in view of the discussions

➢ The objective is for stakeholders to arrive at a name and address for the IXP through mutual consensus

Discussion Task 2: Organization Type

➢ The Organization type is either commercial or non-commercial

➢ The stakeholders have a task to agree on the organizational type through mutual consensus
  ▪ The discussions should include highlighting the legal challenges and benefits for either organization type
  ▪ Some of the benefits to consider are such as tax-exemptions where applicable
  ▪ Can the IXP be recognized as critical infrastructure if so what registration category can earn it that status

Discussion Task 3: Next Steps

➢ The next steps will involve drafting the constitution that captures the resolutions agreed upon by the stakeholders

➢ For the draft constitution to commence the stakeholders will have to nominate at least 3 - 7 representatives to drive the process

➢ The stakeholders will also have to agree on;
- Timeframe to draft constitution
- Timeframe to approve the final constitution
- When the registration of the company will take place
- Most importantly how costs associated with the process will be met

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