



**SUBMISSION ON THE UGANDA COMMUNICATIONS COMMISSION GUIDELINES ON IXPS  
2019**

**Liquid Telecom**

## **1 INTRODUCTION**

**1.1** Liquid Telecom sets out below its submissions in respect of the Uganda Communications Commission guidelines on IXPs (the "IXP Guidelines") published by the Uganda Communications Commission ("UCC").

**1.2** Liquid Telecom thanks UCC for the opportunity to provide these submissions on the Guidelines.

**1.3** Liquid Telecom has included in this submission certain comments and suggestions. We would like to assist UCC by also submitting draft wording in certain circumstances and would welcome an opportunity to engage with the UCC to determine how that would be best done.

## **2 ABOUT LIQUID TELECOM**

**2.1** Liquid Telecom is the leading independent data, voice and IP provider in eastern, central and southern Africa. It supplies fibre optic, satellite and international carrier services to Africa's largest mobile network operators, ISPs and businesses of all sizes. It also provides payment solutions to financial institutions and retailers, as well as award winning data storage and communication solutions to businesses across Africa and beyond. **Put simply, we connect people.**

## **3 STRUCTURE OF THIS SUBMISSION**

**3.1** This submission consists of two parts:

3.1.1 specific comments and submissions on the IXP Guidelines; and

3.1.2 conclusion and certain general submissions on the IXP Guidelines as a whole

**3.2** Liquid Telecom would greatly appreciate an opportunity to engage with UCC regarding any assistance Liquid Telecom can provide with regards the Guidelines. and to answer any queries or address any concerns that UCC may have.

## **4 SPECIFIC SUBMISSIONS**

Liquid Telecom makes the following specific submissions:

### **4.1 Question 1**

Liquid Telecom fails to understand why terms defined in the Uganda Communications Act of 2013 are re-defined in the IXP Guidelines. Liquid Telecom submits that there is no need to

re-define such terms, it makes the IXP Guidelines unnecessarily long and causes confusion as to whether the terms bear meanings different from those set out in the Uganda Communications Act of 2013, which Liquid Telecom submits could be *ultra vires* the Act.

Liquid Telecom however agrees with the other proposed definitions of: “Peering”, “Peer”, “IXP Service Provider” and “IXP member”.

#### **4.2     Question 2**

Liquid Telecom supports the submission by the Uganda Internet eXchange Point and further submits that it is inappropriate to set out objectives for the IXP Guidelines: this is not primary legislation, which requires context: instead the IXP Guidelines are subordinate legislation giving specificity to the general nature of the primary legislation (in this case the Uganda Communications Act of 2013).

In addition (as set out below), it is Liquid Telecom's understanding that subordinate legislation cannot create criminal offences and only primary legislation can do so.

Liquid Telecom accordingly submits that the section setting out objectives should be deleted in its entirety

#### **4.3     Question 3**

Liquid Telecom submits that it has no comments on section 4 but is willing to assist the UCC in any endeavours to improve the regulatory framework in Uganda.

#### **4.4     Question 4**

Liquid Telecom submits that it has no comments on section 5 and 6.

#### **4.5     Question 5**

##### **7.1 Licensing**

Liquid Telecom supports the submission by the Uganda Internet eXchange Point and further submits that by the attempt to introduce a licensing requirement that the UCC has overstepped its boundaries and is attempting to enter the realms of legislation. Liquid Telecom submits that any attempt to introduce such a dramatic change should be by way of legislative intervention and not through subordinate legislation.

Attempts at prior authorisation and licensing would discourage new IXPs from being formed and we propose an alternative that IXPs operators ought to instead notify the UCC of any IXPs they operate which would then remove undue delay and uncertainty for anyone operating an IXP.

### **7.3. Technical Requirements**

Liquid Telecom supports the submission by the Uganda Internet eXchange Point and further submits that UCC ought to restrict the IXP Guidelines to only what applies to IXPs. Liquid Telecom submits that sections 7.3. (d), and section 7.3. (v) do not apply to IXPs given IXPs do not interact with content and such wording impose an impossible obligation on IXPs to monitor content which it does not have access to.

### **7.4. Operational requirements**

Liquid Telecom supports the submission by the Uganda Internet eXchange Point.

### **7.5. Inspection of the IXP**

Liquid Telecom supports the submission by the Uganda Internet eXchange Point and further submits that UCC should take into account established international best practice.

#### **4.6     Question 6**

Liquid Telecom supports the submission by the Uganda Internet eXchange Point and further submits that UCC should take into account established international best practice which does not require mandatory interconnection.

#### **4.7     Question 7**

Liquid Telecom supports the submission by the Uganda Internet eXchange Point and further submits that UCC should take into account established international best practice which does not require mandatory interconnection.

#### **4.8     Question 8**

Liquid Telecom supports the submission by the Uganda Internet eXchange Point and further submits that there should be further appeal mechanisms through the judiciary.

#### **4.9     Question 9**

Liquid Telecom supports the submission by the Uganda Internet eXchange Point

#### **4.10    CONCLUSION**

Liquid Telecom thanks UCC for the opportunity to make this submission and will make itself available to provide UCC with further information, should this be required.

**5 LIQUID TELECOM LOCAL CONTACTS**

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