



Government of
The Republic
of Vanuatu



Telecommunication &
Radiocommunication
Regulator

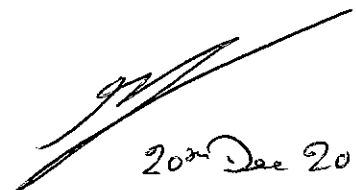
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Internet Regulatory Practice

TRR, 2011

This document sets out the Key Regulatory Practices of the Telecommunications and Radiocommunications Regulator surrounding the provision of Internet services.

December 2011


2020 Dec 2011

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Purpose

This document has been produced with the objective of guiding Internet-related regulatory practice and to inform stakeholders of the areas of involvement in Internet management, administration and governance by the Telecommunications and Radiocommunications Regulator in Vanuatu as outlined in the Telecommunications and Radiocommunications Regulation Act No. 30 of 2009 (the Act), and pursuant to the Government of Vanuatu's National ICT Policy.

The document presents a set of practices and goals which will help to create an environment that is most conducive to fostering a healthy and growing level of Internet use in Vanuatu.

1 Introduction

The internet is defined in the online Legal Dictionary (<http://legal-dictionary.thefreedictionary.com/Internet>) as “A worldwide Telecommunications network of business, government, and personal computers”

Telecommunications is defined in the Act as the means the conveyance by electronic means from one device to another any encrypted or non-encrypted sign, signal, impulse, writing, image, sound, instruction, information, or intelligence of any nature, whether for the information of any person using the device or not.

Part 2 Section 7 (1) of the Act, sets out that the Telecommunications and Radiocommunications Regulator (TRR) is to regulate Telecommunications and Radiocommunications.

Part 2 Section 7 (4) (e) states that the regulator may make regulations for the management and administration (including the exclusive management and administration) of country code top level domain (ccTLD) names for Vanuatu and domain name registration for Vanuatu.

The ICANN “Best Practice Guidelines for ccTLD Managers” available on the ICANN web site : <http://www.icann.org/en/cctlds/cctldconst-4th-best-practices-10mar01.htm> , states the primary duty of the ccTLD Manager is one of Public Service and to manage and operate the ccTLD Registry in the interest of and in consultation with the Local Internet Community, mindful of the interests of the Global Internet Community.

The local Internet Community is defined as consisting of the Internet industry and users and the government and authorities of the state or territory with which the ccTLD is associated. The definition of the Local Internet Community may vary from one country/territory to another, and is essentially a matter for the community in a given country/territory to decide. The definition of the Local Internet Community should be documented, available for public inspection, and transparent to the local community.”

Hence in preparing to undertake its responsibilities TRR has produced the “Internet Regulatory Practice’ to inform the local Internet Community how it will carry out its responsibilities.

The objectives of this Internet Regulatory Practice are to support the:

1. Creation of a an enabling environment for Vanuatu’s social and economic development using the Internet;
2. Lawful and respectful use of the Internet as a shared resource; and
3. Provision of a practical, competitive framework for the provision of Internet services in Vanuatu.

In order to achieve these objectives, TRR will:

- a. To the extent that such powers are granted by the Act, monitor and enforce the Licence conditions required to be met Internet Service Providers (ISPs);
- b. Ensure regulatory conditions are established to support interoperability, coordination and cooperation between ISPs, especially regarding Network Neutrality;
- c. Manage Domain Name Services (DNS), specifically the .vu country code Top Level Domain (ccTLD);
- d. Mindful of social and commercial impacts and based on empirical evidence, in partnership with the Government of Vanuatu (GOV), civil society and relevant stakeholders, set out protocols, guidelines and regulation relating to Computer Security and Safety;
- e. Support and foster the provision of a safe and healthy learning environment using the Internet, including the development of a child protection guidelines;
- f. Support and foster the provision of next generation Internet protocols and technologies, especially IP version 6 (IPv6);
- g. Support and foster the continued development of local Internet expertise and resources;
- h. Support and foster Internet market development;
- i. Support and foster the optimisation of national and international connectivity.

2 Enabling Environment

2.1 Goals

A healthy and open Internet environment requires a mixture of cooperative and competitive measures. The Internet requires standard protocols and procedures to exist. Technical cooperation and coordination are required in order to ensure a healthy and competitive commercial environment.

The following goals will lead toward such an enabling environment:

1. Respect and support all relevant technical standards by coordinating and cooperating with relevant technical management and governance bodies;
2. Administer Vanuatu's Internet resources responsibly, in cooperation and consultation with private and public stakeholders;
3. Encourage and assist in improving and increasing Vanuatu's Internet resources and improving their accessibility to all.

4. Ensure that national and international connectivity is used maximally, responsibly and equitably.

2.2 Practices

- 1 Internet Service Providers (ISPs) must be licensed according to the Act. TRR will work with Licensees to ensure protocol-related technical standards are used to ensure a baseline level of connectivity and customer service for all customers.
- 2 TRR will work with public and private stakeholders to ensure that Internet technical standards are upheld and adhered to, and that no unnecessary obstacles arise that unduly and adversely affect data interchange and interoperability over Vanuatu's data networks and between Internet Points of Presence (POPs).
- 3 TRR will coordinate and cooperate with relevant Internet governance bodies (e.g. ICANN, IANA and APNIC) to ensure the smooth flow of data throughout Vanuatu's data networks and Internet POPs.
- 4 TRR will develop procedures to effectively manage the .vu ccTLD.
 - 4.1 TRR will develop a Domain Management Plan in consultation with all relevant public and private stakeholders to cover the following services:
 - 4.1.1 Management, either directly or by delegation, of the .vu Registry;
 - 4.1.2 Implementation of the **Domain Name System Security Extensions (DNSSEC)** suite of Internet Engineering Task Force (IETF) specifications for securing information provided by the Domain Name System (DNS) as used on Internet Protocol (IP) networks in the .vu name space;
 - 4.1.3 Creation of operational guidelines and procedures for Registrars;
 - 4.1.4 Create a framework for the appropriate use of domain names within the .vu ccTLD;
 - 4.1.5 Create conflict resolution and arbitration processes regarding domain names within the .vu ccTLD;
 - 4.1.6 Provide consumer protection in the use of .vu domain names and related services;
 - 4.2 Respecting both the laws and culture of Vanuatu, the Domain Management Plan will take into account both Kastom and relevant legislation.
- 5 TRR will assist relevant stakeholders in deploying and supporting IPv6 and other emerging technological standards on public networks in Vanuatu.
- 6 In accordance to GOV Policies TRR will use the Universal Access Policy Fund to assist un- and under-served communities in gaining affordable, useful access to the Internet.

- 7 TRR will work with relevant public and private stakeholders to establish a neutral, independent national Internet Exchange Point (IXP), joining all participating data networks together using low-cost local links.
- 8 TRR will facilitate discussion between national and international stakeholders in investigating the viability and usefulness of a Pacific regional IXP.

3 Safety, Security and Sharing

3.1 Goals

One of the defining characteristics of the Internet is the ability to share data between any two points on the network without third party mediation. While possessing significant undeniable benefits, this openness has obvious implications where safety and security are concerned.

The following goals will help to ensure a safe and secure Internet communications environment in Vanuatu:

- 1 Effective collaboration and cooperation between all stakeholders in order to reduce external and internal threats to the technical functioning of the Internet.
- 2 Effective technical competency in the areas of network security and Internet administration & governance.
- 3 Industry wide agreed guidelines and codes of conduct promoting the safety and security of Vanuatu's data networks and their users.
- 4 Appropriate cybercrime legislation;
- 5 Industry agreed guidelines and codes of conduct concerning the responsible creation and use of Internet content within Vanuatu.

3.2 Practices

- 1 TRR will coordinate the creation and operation of the Vanuatu Computer Emergency Response Team (VU-CERT).
- 2 TRR will develop an Internet Security Plan to address such issues as:
 - 2.1 Spam;
 - 2.2 Public threats to computer security in Vanuatu e.g. Denial of Service (DoS) attacks originating in or targeting Vanuatu as well as the propagation of malicious software (including viruses, 'trojan horses', Internet 'worms' and related software);
 - 2.3 Security and privacy best practices for ISPs;
 - 2.4 Fraud and related activities over the Internet;

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- 2.5 Access to and provision of illegal materials as well as content guidelines for Internet content providers;
- 2.6 Illegal interception; and
- 2.7 Other threats to the safe and secure use of the Internet.
- 3 TRR will safeguard the online privacy of individuals and organisations and will provide a simple, transparent process through which complaints or concerns about Internet privacy may be addressed and resolved.
- 4 TRR will promote the responsible use of Internet and related computing resources as part of its ongoing activities.
- 5 TRR will cooperate with the Government, Police, ISPs and relevant stakeholders to deal with illegal activities on the Internet in Vanuatu.
- 6 TRR will work with public and private stakeholders to develop an Internet Child Protection Guidelines.
- 7 TRR will promote best practices among private Internet users concerning safe and secure use of Internet software and data resources.
- 8 Notwithstanding the above, TRR recognises and supports ISPs' and telecommunications service providers' 'common carrier' status.

4 Building a Healthy Marketplace

4.1 Goals

As set out in the Act TRR has a mandate to ensure fair, equitable and unprejudiced access to the Internet market and its related resources.

The following goals support the development of a healthy Internet marketplace:

1. Fair, unbiased and equitable access for businesses and individuals to critical data network resources.
2. A business environment that rewards maximised use of Internet and related resources.
3. Consumer protected against unfair business practices.

4.2 Practices

- 1 In conjunction with ISPs and relevant stakeholders, TRR will develop and promote an ISP Code of Conduct.

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- 2 As outlined in the Consumer Protection Guidelines, TRR will expand its role as a 'consumer watchdog', providing transparent, simple processes for people to resolve Internet service-related disputes.
- 3 TRR will encourage businesses to provide clear, unambiguous service offerings and will assist in educating customers, helping them to understand the capabilities and limitations of Internet services.
- 4 TRR will work with relevant stakeholders to define and implement business and technical practices that maximise use of Internet resources, especially those designated 'bottleneck facilities' under the Act.
- 5 TRR will actively support the principle of Network Neutrality, especially where deviation from this principle leads to an unfair or uncompetitive business environment. Consumers are entitled to:
 - 5.1 Access the lawful Internet content of their choice;
 - 5.2 Run applications and use services of their choice, subject to the needs of law enforcement;
 - 5.3 Connect their choice of legal devices that do not harm the network;
 - 5.4 Competition among network providers, application and service providers, and content providers.
- 6 TRR will work with local and international stakeholders to support and foster the development of local Internet expertise.

5 Implementation

5.1 Goals

The Internet, by design, is participatory and peer-based; it is made richer through cooperation and sharing. The Vanuatu National ICT Services Policy vision is 'ICT for all'. The Internet, therefore, is for everyone.

TRR remains committed to open, inclusive and transparent regulatory processes which allow and encourage participation from industry, government and civil society.

The following goals are set to support implementation:

1. Participation from all interested individuals and organisations in matters relating to Internet Regulatory Policy.
2. Effective involvement in the areas of Internet administration and governance commensurate with merit, commitment and capability.

5.2 Practices

1. TRR will form an Internet Working Group (IWG), participation in which will be open to all interested stakeholders.
2. IWG members must agree to abide by a Terms of Reference produced by the group. Participation is open to anyone on a voluntary basis, without expectation of remuneration or recompense.
3. TRR will consult with IWG in the development of all Internet Regulatory Practices and Procedures.
4. TRR will review and update this Internet Regulatory Practice as and when necessary.

End