



Government of
The Republic
of Vanuatu



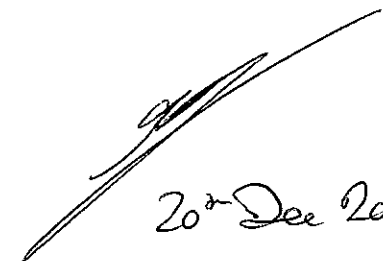
Telecommunication &
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Report on comments received on TRR's draft Internet Regulatory Document

TRR
24 October 2011

TRR's feed back on comments received on draft Internet Regulatory
Document


20th Dec 2011

Report on comments received on TRR's draft Internet Regulatory Document

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1. PURPOSE

- 1.1 This report contains feedback from the stakeholders who have submitted to TRR comments and concerns on the draft Internet Regulatory Document published for public consultation on the 7th June 2011.
- 1.2 The Report provides the Regulator's responses to the respective comments and concerns.

2. BACKGROUND

- 2.1 Written comments and Concerns were received from three stakeholders, Digicel Vanuatu Limited, Vanuatu Cybercrime Committee and KBC empower Limited.
- 2.2 Verbal comments were received at a number of public consultations held at the USP Port Vila, Isangel Tanna, Rensary Malekula, Melsisi Pentecost, South Westbay Malekular, Luganville Santo and Tanna between 7th June and 25th October 2011.
- 2.3 The Regulatory Document was produced to inform all stakeholders of the Practices TRR will follow in carrying out its duty concerning management, administration and governance of internet, as required in the Telecommunications and Radiocommunications ACT, 2009.
- 2.4 The objectives of this Internet Regulatory Practice are to support the:
 - 2.4.1 Creation of a an enabling environment for Vanuatu's social and economic development using the Internet;
 - 2.4.2 lawful and respectful use of the Internet as a shared resource; and
 - 2.4.3 provision of a practical, competitive framework for the provision of Internet services in Vanuatu.

3. SUMMARY OF KEY POINTS RAISED

- 3.1 Comments and concerns raised from respective stakeholders were all noted and recorded for reference.
- 3.2 The most important comment concerned the legality of the document and the processes involved.
- 3.3 Concerns were also raised in relations to the cogent evidences or analysis to support the statements set out in the document as well as the definition of Internet.
- 3.4 Concerns and comments were raised on the safety and security of the network and Child Protection.
- 3.5 Concerns were raised in relation to Internet Working Group.

4. RESPONSE TO THE COMMENTS AND CONCERNS

- 4.1 TRR thanks all the stakeholders who have submitted their views and concerns.
- 4.2 So as not to confuse the document with any Policy prepared by the Minister Responsible for Telecommunication, the document is now titled "Internet Regulatory Practice".

- 4.3 TRR believes it has the authority to prepare this document and indeed to coordinate with all stakeholders the satisfactory management of all aspects connected with the responsibility given to TRR by the Act. The following statements have been included to emphasis this point.
- 4.4 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"
- 4.5 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.
- 4.6 Part 2 Section 7 (1) of the Act, sets out that the Telecommunications and Radiocommunications Regulator (TRR) is to regulate Telecommunications and Radiocommunications.
- 4.7 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.
- 4.8 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.
- 4.9 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."
- 4.10 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.
- 4.11 Other relevant comments were taken into account in the revised text.

End