

# Background Note

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## Enabling Framework in the Small Islands Developing States (SIDS) of the Pacific Region

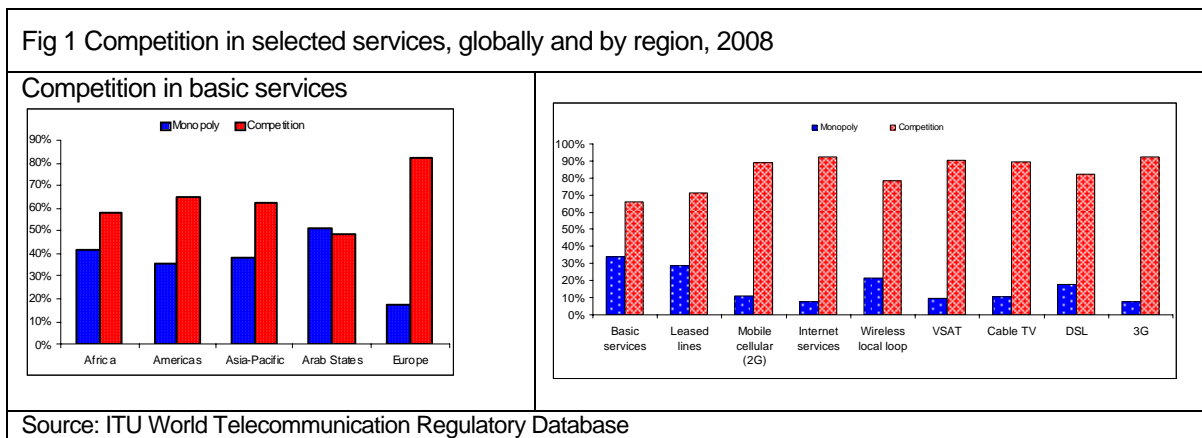
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## 1.0 Overview and Context

Many countries worldwide initiated sector reforms in the late 1990s, in an attempt to create more transparent and stable legal and regulatory frameworks, with an emphasis on establishing national regulatory authorities and opening certain market segments, such as mobile voice, to competition. The goal was to attract investment and make progress toward universal access to basic telecommunication services. Drastic changes in the sector have since flowed from technological innovation, convergence of services, and growing competition. These changes may now require a further regulatory shift to open more market segments to competition and update licensing and spectrum management practices in order to foster growth in broadband networks and converged services. These reforms encourage increased reliance on market based principles to create the right “enabling environment”.

The liberalization wave, which was triggered by the World Trade Organization’s (WTO’s) Agreement on Basic Tele-communications (ABT) (known more formally as the Annex on Telecommunications to the GATS Fourth Protocol) agreement which came into force in 1998, opened new vistas for investments bringing about unprecedented growth in telecommunications services and rise in tele-density. Investments in the telecommunication services grew significantly as barriers to market entry were reduced and competition introduced. Many countries began their liberalization process in a phased manner, by introducing a limited number of players, before embracing open market entry.

Since then, markets steadily continued to open to competition. Mobile (2G as well as 3G and beyond) and Internet services remain the most competitive markets, while fixed-line services are increasingly becoming competitive, as well. (Figure 1 (a)). From the consumer’s perspective, the benefits gained from sector reforms are many: more choice, increased affordability, improved access and new services being offered. This period also witnessed the establishment of separate national regulatory agencies, their number grew from 14 in 1990 to 151 in 2008.



Convergence of networks, services and the advent of new technologies (based on IP protocols and broadband technologies) are other phenomena that are significantly impacting the enabling environment and calling for further regulatory reforms. To address the drastic changes the sector is witnessing and in a move away from a telecom world to a converged /ICT world, a number of countries have initiated a second wave of regulatory reforms. These reforms are targeted at reducing further market entry barrier, fostering convergence through a technology-neutral approach, encouraging innovation and access to broadband services at affordable prices for all.

To ensure security and build confidence in the use of ICTs, a comprehensive ICT Legal Framework needs to be developed that encompasses cyber-security. The World Summit on the Information Society (WSIS), recognized the real and significant risks posed by cybercrime and entrusted the ITU to facilitate the implementation of WSIS Action Line C5 (Building confidence and security in the use of

ICTs). The ITU launched The Global Cybersecurity Agenda (GCA) to provide a framework for international cooperation aimed at proposing strategies for solutions to enhance confidence and security in the information society. More details are discussed in the background note on “ICT Applications and Cybersecurity” session.

Universal Service (US) policies worldwide mainly focused on subsidizing rural / remote access to voice telephony services over the PSTN and high cost services. Historically, universal access obligations were placed on the incumbent and financed by internal financing (cross-subsidization) and access interconnection charges applied to other operators or other universal service compensation schemes. More recently, a new type of funding mechanism was developed to which the industry, mainly operators and service providers, contribute a percentage of their revenues, the Universal Access/Service Fund. Until the late 90s, US policies were targeted at funding the deployment of public payphones. Later, they included telecentres and individual phone subsidies. Today, there is a trend to move towards including mobile and broadband services, and alternative funding approaches that favor significant involvement of all stakeholders, such as the establishment of Public Private Partnership. .

This background note discusses the various aspects of an enabling environment with a focus on the Small Islands Developing States of the Pacific Region.

### ***The context***

The uniqueness of these islands in terms of small market size<sup>1</sup> remoteness and high costs raise quite a few challenges that require special focus. The human resource shortcoming, both in terms of skills and staff size, is a significant challenge faced by governments in creating an enabling environment. The need to evolve effective policy framework was well recognized by Members in the ITU Asia Pacific Regional Initiative titled “The unique telecommunication/ICT needs of Pacific islands and small island developing states (SIDS) in the Asia-Pacific region” as well as in the Wellington Declaration during Forum Information and Communications Technologies Ministerial Meeting in 2006.

Following global trends, the Small Islands Developing States of the Pacific Region are presently undergoing major reforms through the introduction of competition in the sector, especially in cellular mobile and Internet markets. Fiji, Palau, Papua New Guinea, Samoa, Tonga, and Vanuatu have introduced competition while some countries are actively considering doing so. These countries have permitted limited market entry (2-3 operators), because of the small market size. One of the unique impact is the sharp rise in teledensities and quick saturation of markets. Interestingly, all these countries have licensed the same new entrant i.e., Digicel. This is a situation very unique to the Pacific and significantly reduces the level of dominance that the incumbent can exercise. Because of their small market size, most PICs are unlikely to have more than 2 operators thereby increasing the risk of potential collusion. Regulatory oversight and appropriate competition code is a pre-requisite for these countries to prevent anti competitive behaviour.

Basic services remain largely offered under monopoly conditions though some countries have permitted the new entrant to own its international gateway facility. Most of these countries have limited speed, mainly as the result of the limited and expensive satellite Internet bandwidth. Papua New Guinea and Fiji are the only countries that have international submarine cable access at the moment while Samoa is likely to get connected by early 2009. Most of the islands are looking for several alternatives to getting broadband connectivity on optical fibre, as detailed in other proposals being presented in this Forum during the sessions on access. Affordable options on satellite are also being examined. Liberalizing access to these international gateway facilities through infrastructure sharing can lower infrastructure costs while multiplying the amount of international capacity available to operators. The result can be a rapid ramp-up of international traffic, coupled with lower prices for international communications. More affordable services, in turn, can generate greater demand, resulting in more consumers on the network.

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<sup>1</sup> Papua New Guinea have population over 1 Million while Niue, Tuvalu, Palau and Nauru have population under 20000

Internet is critical to the delivery of e-services in the Pacific given the high cost of international travel and the remoteness of islands. In order to leverage the immense potential that Internet offers, there is an urgent need to develop e-applications while making these ubiquitous, affordable and secure. It is also important to set up national and regional Internet exchanges to ensure cost effective routing of data traffic.

## **2.0 Legislative Framework**

Traditionally, the scope of the telecom legislative framework was very clear and was dedicated primarily to the governance of radio resources and the provision of Telecommunication services (e.g. Telephony, Telegraphy etc). The Broadcasting sector was generally governed by a separate Broadcasting Act, and/or a Television Act and/or a Media Act. Nowadays, with the advent of convergence and the blurring of clear boundaries between those sectors, legislations and regulatory frameworks are being revised to keep pace. A number of countries enacted new ICT laws or amended existing laws to provide for the merger of sector specific regulations and institutions into converged regulatory authorities and regulatory tools. In some cases, the converged framework addressed the convergence of carriage only (India) while in others (Australia) included content as well.

Most countries in the Pacific had also adopted sector specific legislative frameworks. To initiate sector reforms, new legislations were enacted or amendments made to the Acts to establish a competitive environment and create a separate Regulator. But, broadcasting largely remained regulated separately in the Pacific.

The rapid development of ICT services, the growth of multimedia applications and services and the emergence of e-transactions is now calling for a secure and trustworthy legal framework in the Pacific countries as well. New challenges emerge with such expansion in scope of ICT Services as communication is no longer limited to the simple exchange of information but is building into strong interactive platforms for trading and contracting. A comprehensive ICT Legal Framework needs to be developed in the region to encapsulate the new services and transactions taking place in the cyberspace. ..

### **Cyber-legislation**

A comprehensive study on Cyber legislation in the South Pacific was carried out by the ITU in 2007. This was followed by an APT/ITU/PITA workshop on "Principles of Cyber legislation for Pacific Island Countries". The workshop proposed a set of principles (Table 1) and a possible roadmap (Text Box 3.2).

*The study concluded that "Most of the countries of the study need to promulgate specific laws to address cyber-based transactions in both the public and private sectors of their economies. A simple but coherent ICT legal framework is required in all countries, except to some extent for Tonga and Vanuatu. Some of these laws include the following: digital signature; digital databases; personal data protection; public or freedom of information; cable distribution; Spam; child online protection; electronic transactions; and computer misuse.*

*Another crucial area of the legal framework to be addressed relates to ICT-related and supporting laws. While they do not directly deal with ICT in its entirety, they nevertheless play an equally supportive role in augmenting specific ICT-facilitative laws.*

*There is also the urgent need for most of these countries to pass suitable legislative amendments to a wider range of laws in the areas of commercial, corporate and intellectual property laws, including evidentiary and procedural rules in order to support any specific ICT facilitative laws. This will optimize the effectiveness of ICT laws. Cyber-laws cannot by themselves operate in a vacuum. They have to relate directly to all other relevant aspects of the country's legal system. There has been generally a slow movement in this area. However, given the increasing significance of*

*cyber-based transactions, it is important that interested stakeholders take up this matter as a means of ushering the countries into the forefront of ICT revolution.”*

TABLE 1: PRINCIPLES OF CYBERLEGISLATION AND POSSIBLE ROADMAP FOR PACIFIC ISLANDS COUNTRIES	
LEGISLATIVE PRINCIPLES	POSSIBLE ROADMAP FOR CYBER LEGISLATION IN PACIFIC ISLAND COUNTRIES
<p><b>Introduction</b></p> <p>The workshop recognized that</p> <ul style="list-style-type: none"> <li>the cyber environment is a reality in the Pacific</li> <li>the cyber culture is on the rise and the technologies are pervasive</li> <li>there is a need for adapting the existing legal framework to the Cyber environment to promote ICT use and to make that use secure</li> <li>the Pacific countries need to address the phenomenon expressly</li> <li>Cyber and supporting legislation entail e-contracting, e-payments, e-signature, data protection and privacy, support of ICT use in day to day activities, protection of infrastructure, protection of Intellectual Property, development of appropriate fair trading norms for ICT environment, dispute resolution and curtailment of SPAM &amp; Cybercrime.</li> </ul> <p><b>Principles of Cyber Legislation</b></p> <ul style="list-style-type: none"> <li>The legislation should create an enabling environment that maximizes the economic and social opportunities provided by ICT, remove impediments and build user confidence</li> <li>The legislation should as far as possible be technology neutral</li> <li>The legislation should be presented in a plain and accessible form</li> <li>The legislation should be sufficiently generic to adapt to the future requirements and should not be problem specific.</li> <li>The legislation should respect national cultures and traditions</li> <li>As far as possible, use should be made of international Model Laws such as UNCITRAL on e-Commerce / e-signatures, which can be adapted to meet the national requirements where necessary</li> <li>Seek to develop appropriate implementation and enforcement mechanisms through appropriate legislative as well as administrative linkages</li> <li>National efforts should be supplemented by regional and international cooperation in developing Cyber Legislation.</li> <li>Necessary skills / advisory mechanisms to be developed nationally or regionally in order to raise the awareness and skills of the stakeholders on Cyber Laws.</li> </ul>	<ul style="list-style-type: none"> <li>Prioritization of Cyber Legislation on national level</li> </ul> <p style="text-align: center;">↓</p> <ul style="list-style-type: none"> <li>Identify the possibilities in the Interpretation Acts and the General Laws, including official confirmation of administrative practices within government.</li> </ul> <p style="text-align: center;">↓</p> <ul style="list-style-type: none"> <li>Enactment of Specific Cyber facilitative laws, i.e., Electronic Transactions Act and / or Electronic Signature Act, SPAM Act. [Possible use of Model Law adapted to National use / existing treaties]</li> </ul> <p style="text-align: center;">↓</p> <ul style="list-style-type: none"> <li>Amend Cyber related Laws such as Telecoms Act, IP Act, Cyber Crimes Act</li> </ul> <p style="text-align: center;">↓</p> <ul style="list-style-type: none"> <li>Amend Supporting Laws such as <ul style="list-style-type: none"> <li>Evidence Act</li> <li>Rules of procedure (Civil and Criminal)</li> <li>Public Service laws</li> <li>Companies laws</li> <li>Commercial laws</li> <li>Public Records and Archives laws</li> <li>Occupational Health and Safety laws</li> <li>Extradition law</li> </ul> </li> </ul> <div style="border: 1px solid black; padding: 5px; margin-top: 10px; text-align: center;"> <p>Possible Regional Approaches to Memorandum of Understanding, Model Laws, Treaties to implement the objective.</p> </div>
<p><b>Source: OUTCOME OF APT/ITU/PITA PRINCIPLES OF CYBER LEGISLATION WORKSHOP, Auckland March 28-30, 2007</b></p>	

### 3.0 Overview of Regulatory Trends in the Pacific Islands

While competition is on ground or on the horizon for most of the Pacific Islands Countries, the regulatory framework in most of these countries is still at a nascent stage. Apart from Papua New Guinea, regulatory agencies have either been established within the last two years (Kiribati, Samoa) or are in the process of being created such as in Fiji<sup>2</sup> and Vanuatu<sup>3</sup>. In other PICs, the government departments or the incumbents continue to play the regulator's role. The staffing of the Regulatory Authority, with the exception of Papua New Guinea, is quite small, which poses serious challenges. The skill set requirements for a regulator to be efficient are significant and most regulators are short of appropriate regulatory staff and skills.

A brief status of competition in the Pacific is summarized in Table below.

	International Gateway	Internet Service	Wireless Telephony	Fixed lines and telephony	Leased lines
Samoa	M → C (SamoaTel and Digicel both have a satellite June 2009: exclusivity removed and market will be fully opened)	C (3 ISP)	C (SamoaTel (Go Mobile) & digicel)	M (SamoaTel)	M (SamoaTel)
Tonga	M (TCC, but Digicel can buy satellite bandwidth for its own needs)	C (TCC, Digicel)	C (TCC, Digicel)	M (TCC)	C
Fiji	M (Fintel, but TFL & Digicel have their own satellite bandwidth)	C (Connect, Uniwired and Kidanet)	C (Vodafone, Digicel)	M to C (TFL, but Fintel have some customers)	M to C (TFL, but Fintel have some customers)
Vanuatu	M (TVL but Digicel can answer its own needs)	M TVL	C TVL & Digicel	M TVL Until 2012	M TVL Until 2012
Solomon Islands	M Our Telecom until 2018	M (Our Telecom until 2018)	M (Our Telecom until 2018)	M (Our Telecom until 2018)	M (Our Telecom until 2018)
PNG	M PNG Telikom Digicel is to stop using ots own satellite	C Tiare (Telikom), Daltron, Datec, Global Technology, Datanets	C PNG Telikom, Digicel	M PNG Telikom	M PNG Telikom
Kiribati	M (TSKL)	C (TSKL, TKL)	M (TSKL)	M (TSKL)	M (TSKL)
Marshall Isl.	M (MITA)	M (MITA)	M (MITA)	M (MITA)	M (MITA)
FS Micronesia	M (FSMTC)	M FSMTC	M FSMTC	M FSMTC	M FSMTC
Palau					
Cook Islands	M	M	M	M	M
Niue	M	M	M	M	M

Source: Regional telecoms backbone network assessment and implementation options study, The World Bank & ITU

### 3.1 Institutional framework

A variety of regulatory institutional frameworks exist in the Pacific. Papua New Guinea and Fiji has two regulators, one sector specific and other dealing with economic regulation while Kiribati and Samoa

<sup>2</sup> In Fiji, the Commerce Commission has been operational since early 2000s

<sup>3</sup> Interim Regulator

have one sector specific regulator. In Vanuatu the market is regulated by an interim sector specific regulator.

### 3.2 Impact of competition in Pacific Islands Countries

The positive impact of competition has already been experienced in some of these countries. Samoa, Tonga and Papua New Guinea experienced very high growth in penetration as a result of competition in the mobile segment. In Samoa, the total number of telephone (fixed and mobile) subscribers reached 101,400<sup>4</sup> at the end of 2007. Mobile geographical coverage has improved from approximately 30% to 95% of the country. The total tele-density has improved from 6% in 2002 to approximately 59% by end of July 2008. Costs of international telecommunication services have dropped significantly. Five years ago, the cost of an overseas call from Samoa to New Zealand was ST\$3.00 per minute, it has now dropped to less than ST\$1 per minute. In Vanuatu<sup>5</sup> in 2008, mobile phone penetration increased from 13 per 100 people to over 40 per 100 people following the introduction of competition in the market, 6 months earlier, the overall coverage has reached 75% of the population. Positive impacts of competition were also observed in Papua New Guinea and Tonga. Since introducing competition in 2002 Tonga has experienced dramatic results with considerable decreases in the costs for telecommunication services in voice and data, increased teledensity and coverage and the introduction of new services as well as improved quality of service.

Competition in Tonga has not been without its challenges such as having to conduct interconnection arbitration proceedings in 2005. Like other Pacific Island countries Tonga is finding challenges with international connectivity as the demand for bandwidth, driven primarily by the Internet, steadily grows.

### 3.3 Key Regulatory Issues

The key regulatory challenges that governments face in the Pacific Islands include issues relating to Licensing, Interconnection, VoIP, Tariffs, Spectrum Management, Universal Service Obligation, Liberalisation of International Gateway, cyber-security, Numbering and absence of a competition framework.

#### Key regulatory concerns in the SIDS of the Pacific Region

Issues	Status	Key Concerns	International Practice
Licensing framework	Most of the licenses issued in the Pacific are service specific e.g., for mobile service, fixed service etc. There are concerns over VoIP.	This may deter innovation and raise disputes over service scope. VoIP severely impacting existing revenues.	Migration to Unified / Converged licensing including broadcasting, IP based services through transparent consultative process
Interconnection framework	A number of countries in the Pacific have experienced interconnection related disputes requiring regulatory intervention	Dispute over termination charges	Adoption of cost oriented models, international benchmarking  Publishing reference interconnection Offer by dominant players
Tariffs framework	Regulator approved tariffs  Competition has increased significant pressure on the high tariff levels in the Pacific	In competitive scenario, approving individual tariffs can be difficult  High tariffs are major deterrent to growth of services	Increased reliance on market based mechanisms to reduce tariffs (subject to regulatory oversight or intervention depending on the effectiveness of competition)
Spectrum Management Framework	Most of the countries in the Pacific require revising their spectrum management frameworks	New services and competition require a well managed spectrum management framework	Software based spectrum management  Increasing migration to market based

<sup>4</sup> Source: MCIT, Samoa

<sup>5</sup> Source: Interim Regulator, Vanuatu

		including electronic databases, new pricing mechanism and effective monitoring	allocation and pricing mechanism Allocation of IMT spectrum for broadband
Universal Access to make broadband services available nationwide	A well managed USO framework is lacking though countries have stipulated roll out obligations in licenses while awarding licenses Lack of policy framework to promote broadband access	High cost areas and broadband access in non profitable areas would lack funding resources in absence of USO and broadband policy	USO Fund that receives contribution from stakeholders (licensees, Government, others) and is disbursed to the provider at competitive price levels Infrastructure sharing in high cost areas Public Private Partnership mechanisms to promote broadband
Access to International Gateway f	Most countries do not have open access to International gateway	Likely to build dominance and deters affordable price levels	Increasingly, countries are moving towards opening International gateways
Level of competition	Most countries have only 2 players in the market	Limited market raises concern over possibility of greater competition	Close regulatory oversight necessary to ensure effective competition and deter possibility of collusion
Expansion of telecom market	The revenue streams largely comprise of traditional telecom services	Small market size may lead to quick saturation	Expansion of market by expanding e-services and looking for new revenue streams arising from other markets

### 3.4 Moving forward

A fundamental shift in policy and regulatory frameworks is needed, to enable Pacific countries to achieve their connectivity targets by 2015. Not all countries have yet liberalized their international and basic telecommunication services to competition and some may need to engage further into the liberalization process. Pacific Islands have a unique opportunity to build on the success of their initial sector reforms. Technological advances and savvy business practices make the WSIS targets entirely feasible as long as regulatory roadblocks are removed. Therefore, a second wave of regulatory reforms is required to open the markets more fully, update licensing and spectrum management practices to foster widespread, affordable, and secure access to ICTs while attracting investment in the sector. A close look at Universal Access and broadband policies is also required to ensure that the Pacific Islands meet the 2015 Millennium Development Goals target of making available the benefits of new technologies, especially information and communications technologies to all<sup>6</sup>.

To develop an enabling environment, countries in the Pacific can take the following steps:

- Governments recognizing the role of ICTs as a tool for development;
- Governments promoting the role of regulators as enablers and agents of change by ensuring that ICT regulators are insulated from political and industry interference;
- Governments ensuring improved capacity of national regulatory authorities by adopting harmonized policy and regulatory frameworks and supporting capacity building initiatives;
- Governments together with regulators establishing clear, predictable and effective regulatory frameworks and regimes that promote effective use and sharing of networks<sup>7</sup>;
- Ensuring transparent policy and regulatory processes;
  - establish websites to share regulatory information;

<sup>6</sup> <http://www.unmillenniumproject.org/goals/gti.htm> <http://www.unmillenniumproject.org/goals/gti.htm>

<sup>7</sup> In light of the current economic downturn and financial crisis, it may become increasingly necessary for policy-makers and regulators to adopt sharing strategies to make their markets that much more amenable to the shrinking pool of investment dollars. The first wave of sector reform has demonstrated that huge pent-up demand exists for telecommunications and ICT services, and that consumers are willing to pay for these services no matter how small their income. This demand continues to grow for new ICT services made possible by technological and commercial innovation. What has changed is that potential investors will no doubt have to work harder to attract financing. Cutting costs, by adopting the sharing strategies explored in the 2008 edition of ITU's *Trends in Telecommunication Reform*, promises to help make limited financing resources go further to make the dream of an Information Society a reality (Source: *Trends in Telecommunication Reform 2008, Six Degrees of Sharing, Executive Summary*).

- launching public consultations and other mechanisms to dialogue with industry and consumers;
- Liberalizing Telecom Markets
  - Liberalizing international gateways (submarine cable landing stations and satellite earth stations) to drive down the cost of Internet and voice connectivity;
  - Opening ICT markets to greater competition by adopting administratively simplified and flexible models such as general authorizations or unified licenses, which take a technology neutral approach to market entry;
- Promoting Universal Access to broadband Services
  - Developing a broadband policy including a USO regime
  - Making adequate spectrum available for IMT services that includes broadband wireless access systems so that end users in the Pacific Islands don't have to wait for fixed line broadband services. This includes making spectrum available to small market players interested in providing connectivity in rural areas;
  - Encouraging the roll out of broadband-capable infrastructure to remote areas by providing incentives such as lower regulatory or spectrum fees or lower taxes or by including roll out requirements in license agreements (e.g. requiring an operator to connect a specified number of new villages);
  - Providing tax incentives to encourage backbone deployment;
  - Creating national Internet Exchange Points and sub-regional IXPs as well as VoIP peering exchanges to keep local Pacific Internet traffic local, and pool international Internet traffic to keep the cost of peering and transit low;
  - Reducing customs duties on ICT equipment to make it more affordable for end users;
  - Extending access to voice telephony services by legalizing VoIP where this has not yet occurred;
  - Publishing and benchmark retail costs for broadband services to further apply positive pressure to reduce costs for broadband services.
  - Examine regional approaches to Universal Access
- Expanding telecom markets to generate new revenue streams for e-services

#### 4.0 Role of ITU

The ITU with financial support from partners including the Department of Broadband, Communications and the Digital; Economy (DBCDE) Government of Australia has been actively involved in assisting its Members in the area of ICT policy and regulation. The ITU has also carried out several capacity building initiatives in collaboration with regional and international agencies such as APT, PITA, PIFS, The World Bank and UNESCAP.

With continued support from DBCDE and the launch of the ITU-European Commission project on "Capacity Building and ICT Policy, Regulatory and Legislative Frameworks Support for Pacific Island States (ICB4PIS)" the aim is to build human and institutional capacity in the field of ICT through a range of targeted training, education and knowledge sharing measures, as well as developing background material for possible harmonized policies for the ICT market"<sup>8</sup>. The project will endeavor to build synergies with ITU's existing partnerships while welcoming new initiatives projects.

The objective of this session is to provide background information on the status of the ICT legal and regulatory environment in the Pacific Islands Countries, identify international best practices and to seek feedback from policy makers in the region on their regulatory priorities.

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For more information on the project: <sup>8</sup> [http://www.itu.int/ITU-D/projects/proj\\_ongoing.asp](http://www.itu.int/ITU-D/projects/proj_ongoing.asp)

## **ANNEXURE 1: LIST OF RELEVANT LAWS**

### **Cook Islands**

- Telecommunications Amendment Act 1989
- Telecommunications Amendment Act 1991
- Telecommunications Amendment Act 1992
- Telecommunications Amendment Act 1997
- Broadcasting Act 1989
- Broadcasting Amendment Act 1997
- Broadcasting Amendment (No 2) Act 1997
- Cable and Wireless Limited (Limitation of Liability) Act 1980
- Cable and Wireless Plc (External Telecommunications Agreement) Termination and Compulsory Acquisition Act 1991

### **Fiji**

- Fiji Audio-Visual Commission Decree 2000
- Fiji Islands Audio-Visual Commission Act 2002
- Telecommunications Act 2006
- E-Commerce Promulgation 2008

### **Kiribati**

- Broadcasting and Publications Authority Ordinance
- Telecommunications Act 2004
- Telecom Kiribati Ltd (Special Provisions) Act 1988

### **Marshall Islands**

- Postal Service Act 1983
- Radio Communication Act 1993
- National Telecommunication Authority Act 1990

### **Federated States of Micronesia**

- Telecommunications Corporation Act of 1981
- Radio Communications Act 1991

### **Nauru**

- Telecommunications Act 2002

### **Niue**

- Communications Act 1989
- Communications Amendment Act 2000
- Broadcasting Act 1989
- Broadcasting Amendment Act 1997
- Broadcasting Regulations 1989

### **Palau**

- Chapter 1 to Title 15 Palau National Code
- Palau National Communications Corporation Act 1982
- Foreign Evidence Act 2001

### **Papua New Guinea**

- Telecommunications Act 1996
- Radio Spectrum Act 1996
- Telecommunications Industry Act 2002

**Samoa**

- Samoa Broadcasting Corporation Act 2003
- Telecommunications Act 2005
- Telecommunications Amendment Act 2007.

**Solomon Islands**

- Telecommunications Act
- Broadcasting Act
- Television Act
- Solomon Telekom (Limitation of Liability) Act

**Tonga**

- Tonga Communications Corporation Act 2000
- Tongan Internet Corporation Register Act 2000
- Computer Crimes Act 2003
- Broadcasting Commission (Amendment) Act 2003
- Communications Act 2000
- Radiocommunication (Amendment) Act 2000

**Tuvalu**

- Tuvalu Telecommunications Corporation Act 1993
- Tuvalu Media Corporation Act 1999

**Vanuatu**

- Electronic Transactions Act 2000,
- Broadcasting and Television Act 1992
- Broadcasting and Television (Amendment) Act 2000
- Telecommunications Act 1989
- Telecommunications (Amendment) Act 1993
- Telecommunications (Amendment) Act 2006

## ANNEXURE 2: STATUS OF TELECOMMUNICATION SERVICES

	Main (fixed)	Internet		Mobile Cellular	
	Telephone Lines		Fixed Broadband		
	Subscribers per 100 inhab	Subscribers per 100 inhab	Subscribers per 100 inhab	Subscribers per 100 inhab	Population coverage (%)
	2007	2007	2007	2007	2007
Fiji	14.53	1.65	1.37	63.20	65.0
Kiribati	4.30	...	...	0.75	...
Marshall Islands	7.77	1.21	-	...	...
Micronesia	7.83	1.16	0.04	24.69	...
Nauru	...	...	...	...	...
Niue	72.66	...	...	44.49	...
Papua New Guinea	0.95	...	-	4.74	...
Samoa	10.54	...	0.04	45.98	...
Solomon Islands	1.55	0.40	0.20	2.20	...
Tonga	20.96	3.69	0.78	46.37	90.0
Tuvalu	12.15	8.41	3.27	16.82	18.0
Vanuatu	3.90	0.76	0.03	11.50	50.0

Source: ITU World Telecommunication/ICT Indicators database,