

**POLICY FRAMEWORK for Internet Service Providers(ISPs) in the Republic of  
Mauritius  
February 6, 2001**

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**1. INTRODUCTION**

Mauritius has embarked on a process of reform with a view to liberalising the Information and Communication Technology (ICT) sector and accelerating the transformation of Mauritius into a knowledge-based economy.

This document sets out the policy framework for the provision of Internet Services in Mauritius. An Internet Service Provider, hereafter referred to as an ISP, stands for a person or an entity that provides connections to the Internet via New trends in the global market place are constantly changing established standards of competitiveness. Mauritius can no longer rely on cheap labour and preferential market access and must turn to the adoption of latest technologies to engineer further growth and maintain its competitive edge. The development of telecommunications

services is important for the continued expansion of the industrial and services sectors in Mauritius.

The principle underlying the policy/objectives of Government is to provide for cost-efficient and quality services backed by resource-efficient technology for the benefit of the end customer.

## **2. OBJECTIVES**

Government has set the following two objectives for Internet Service Providers, namely:

- i. make internet accessible to all for the socio-economic development of the country; and
- ii. promote collaboration within the telecommunication and ISP community for the benefit of internet users and for optimal use of resources.

The following policies have been formulated to realise these objectives.

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## **3. POLICIES**

The following policies, subject to existing legal commitments of Government aim at:

- i. creating an environment which promotes investment in the sector;
- ii. providing a level playing field for all to allow fair competition; and
- iii. ensuring internet access to all at reasonable costs.

### **3.1 Policies Supporting Accessibility of Internet to All**

- a. Interconnection agreements between ISPs and the Public Switched Telephone Network (PSTN) or any other such network should all be
  - i. On a reasonable flat-fee basis,
  - ii. On a non-discriminatory basis, and
  - iii. On the same terms and conditions, unless there are reasonable and objective grounds for different terms and conditions;
- a. Interconnection between ISPs should be free of charge;
- b. Optimal use should be made of excess capacity of switches and optical fibre backbone or any other such backbone belonging to any public network operator;
- c. Charges to ISP subscribers should ideally be on a flat fee basis;
- d. ISPs should contribute to the universal service fund for the promotion of universal internet access at rates to be prescribed; and
- e. "Last mile" linkages for the provision of Internet would be permitted within Mauritius, subject to the Telecommunications Act 1998 and licenses issued thereunder.

### **3.2 Policies Supporting Collaboration Within the ISP Community**

- a. Interconnection to public telephone network infrastructure should be provided to each licensed ISP as far as possible within one month of the date of application; and
- b. A VSAT zone to provide international access for ISPs would be created to optimize the use of satellite capacity. For this purpose, a consortium of ISPs will put up the required international gateway which will be managed, until 31 December 2003, by Mauritius Telecom on a reasonable charge to be approved by the Mauritius Telecommunications Authority.

#### **3.2.1 Address and Routing Management Policy**

- a. Each ISP will have its own internet address block (IP address block). Providers of internet gateways must agree to route non-portable IP address blocks;
- b. It will be the responsibility of the licensees to obtain IP addresses, domain names, etc. from the competent authority;
- c. All ISPs will exchange routing information between administrative routing domains by implementing appropriate protocols to allow their customers to be multi-homed; and
- d. An Internet Registry will be set up to manage IP addresses. Once operational, IP addresses will be allocated by the designated entity.

#### **3.2.2 Routing Table Management Policy**

- a. A mechanism will be set up by which the updating of routing tables becomes a constant process between ISPs while ensuring that creation, deletion and modification of routes of competitors will be done at no cost to the ISPs; and
- b. ISPs will be encouraged to promote local routing between their network through an Internet Exchange Point (IXP).

#### **3.2.3 Connectivity Management Policy**

- a. For the purposes of promoting ubiquity and universal access to internet, interconnection conditions between the public network operators and the ISP will be on non-discriminatory and on fair cost basis; and
- b. The maintenance of a level playing field for ISPs will require regular monitoring:
  - to guard against anti-competitive practices (including but not limited to cross-subsidisation and technological manipulation),
  - to promote the deployment of resource-efficient technologies, and
  - to ensure that technological resources are optimally utilised.

#### **3.2.4 Network Infrastructure Policy**

With a view to fostering competition among ISPs, public network operators will be urged to constantly upgrade their infrastructure in line with the latest technological development

including country-wide broadband wireless data networks to which ISPs will be able to connect to develop and offer applications and services.

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## **4 TERMS AND CONDITIONS FOR ISPs**

### **4.1 Application for ISP Licence**

Any company, group or organisation, whether on-shore or off-shore, is eligible to apply for an ISP licence for business purposes only. Such application should be made on the prescribed form.

Only one licence will be issued to any company, or group of companies or organisation, and the licence may not be transferred, assigned, mortgaged, encumbered or sold.

Shareholding by any non-citizen in any entity providing internet services shall be governed by the provisions of the Non-Citizens (Property Restriction) Act.

Experience in information and communication technology is not a pre-requisite for application.

### **4.2 Issue of Licence**

Issue of licences will be in accordance with the provisions of the Telecommunications Act 1998, and any regulations made thereunder.

### **4.3 Interconnection with other networks**

Subject to the provisions of the Telecommunications Act 1998, the consortium of ISPs, referred to in paragraph 3.2(b), will be allowed to provide international gateway access.

The licensee may obtain the transmission link on lease from the local carrier or any other operator specially authorised to lease such lines to the ISPs. The licensee may also establish its own transmission links within the Republic of Mauritius for carrying traffic originated and terminated by his subscribers subject to authorisation from the Mauritius Telecommunications Authority.

An ISP shall provide to the Mauritius Telecommunications Authority a monthly statement of subscribers.

Resources required for interconnecting the licensee's network to the network of upstream Internet access providers or any other service provider licensed by the Mauritius Telecommunications Authority including time frame for provision of the same, will be mutually agreed between the parties concerned. The licensee shall apply for and obtain the network resources from the relevant parties.

### **4.4 Delivery of the Service**

The licensee shall provide service to its customers within 6 months from the date of issue of the licence.

#### **4.5 Extension of the Licence**

A licence will be valid for an initial period of 15 years unless otherwise terminated. The licence may be renewed for a period not exceeding 10 years subject to such terms and conditions as may be prescribed by the Mauritius Telecommunications Authority.

#### **4.6 Technical Requirements**

ISPs shall use Internet Protocol (IP) and shall meet the technical requirements of other Internet Service Providers to which it is connected. The equipment used by ISPs shall be in conformity with the Interface/Protocol requirements as applicable.

#### **4.7 Quality of Service**

The quality of service will be closely monitored by the Mauritius Telecommunications Authority and will be in accordance with international best practice.

#### **4.8 Applicability of Cyber Laws**

Internet subscribers will be encouraged to use self-restraint and discipline and will be required to comply with relevant cyber legislations.

Flow of obscene, objectionable, unauthorised or any other content infringing intellectual property rights and international and domestic Cyber laws in any form over the ISP's network is not permitted and the ISP is expected to take such measures as are practically possible and desirable to prevent it. Any damages/claims arising out of default on the part of the licensee in this respect shall be the sole responsibility of the licensee.

#### **4.9 Financial Conditions**

##### **4.9.1 Licence Fees**

An annual licence fee of fifty thousand rupees will be applied. Moreover, after the third year, the ISP will have to contribute annually, at a fixed rate to be prescribed, to the universal service fund for the promotion of universal internet access.

##### **4.9.3 Performance Bond**

A performance bank guarantee of five hundred thousand rupees will have to be submitted by the applicant prior to the issue of the license. Conditions governing this bank guarantee will be as specified by the Mauritius Telecommunications Authority.

#### **4.9.4 Tariff**

ISPs will be free to fix their own tariff. The tariff shall be left open to be decided by market forces. However, the Mauritius Telecommunications Authority may disallow a tariff pursuant to its statutory powers.