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Preface

The Government of The Bahamas (the Government), with vision and focused execution, is committed to the development of The Bahamas for the advancement and empowerment of the country and the residents of The Bahamas.¹ The Government also recognizes that the Information and Communications Technology (ICT) ecosystem is multifaceted and that transformative innovations in relation to ICTs are dependent on interactions between interrelated stakeholders. Accordingly, this Electronic Communications Sector Policy (ECS Policy) takes account, where appropriate, of the representations received after consultation with the independent sector regulator, Utilities Regulation and Competition Authority (URCA), and other relevant stakeholders.

The Government, being mindful that ICTs play a pivotal role in a wide range of economic, social, and cultural activities that are vital to national development, sets out in this ECS Policy its strategic aims for meeting the electronic communications policy objectives for the Electronic Communications Sector (ECS)², as they relate to the Government's broader vision for the overall sustainable development of the country and to improve the quality of life for the residents of The Bahamas.³

The purpose of this ECS Policy is to:

- outline the Government's vision, strategic aims and policy objectives for the ECS for the period 2023 to 2026;
- inform all stakeholders, including the public, businesses providing electronic communications services⁴, persons wishing to provide such services, and other interested persons, of the Government's strategic aims and policy objectives for the ECS; and
- guide URCA in the discharge of its functions under the Communications Act, 2009 (Comms Act) to ensure that its regulation of the ECS is consistent with the Government's strategic aims and policy objectives for the ECS set out herein.

This ECS Policy shall remain in force from the date of publication in the Official Gazette, subject to the right of the Government, in the interim, to amend, revise or repeal this ECS Policy.

¹ *Our Blueprint for Change 2021.*

² *The ECS comprises "the economic sector encompassing the provision of all electronic communications".*

³ *Pursuant to Section 6(1) of the Communications Act, 2009.*

⁴ *Electronic communications services include mobile and fixed voice telephony, data communications, two-way radio communications, television and radio broadcasting.*

Introduction

1. The Comms Act establishes the regulatory framework for the ECS in The Bahamas and recognizes that electronic communications⁵ play an essential role in the economic and social welfare of The Bahamas.⁶ The Government recognises the rapid and dynamic evolution of ICTs⁷ and the need to have comprehensive, progressive and forward-looking policy objectives that will facilitate the sustainable development of the ECS in The Bahamas.
2. The Government has established a Department with responsibility for Electronic Communications, recognizing the critical role of ICT and electronic communications to national development, and has given the Department of Electronic Communications the mandate to, inter alia, promote the expansion and development of ICTs and the ECS in The Bahamas.
3. The overarching vision of the Government regarding electronic communications is to foster a regulatory framework and environment that is conducive to the social and economic development of the people of The Bahamas. The Government is therefore committed to ensuring that all people of The Bahamas, particularly the indigent and vulnerable, have equal rights and universal access to basic ICTs and electronic communications services.
4. The Government also recognises that electronic communications is an essential tool which promotes the development of all sectors of the economy such as Financial Services, National Security, Tourism, Education and Health Care. ICTs, through an effective and efficient ECS, have the potential to play a significant role in The Bahamas' path to exponential growth and future progress. In a post-pandemic era, the Government believes that digital technology and connectivity is an essential apparatus to accelerate the restoration of the Bahamian economy and societal resilience.

⁵ *Electronic communications, as defined in the Comms Act, means the "conveyance, by the use of electrical, magnetic or electromagnetic energy, of signals of any description".*

⁶ *In accordance with Section 4 of the Comms Act.*

⁷ *The term "ICT" is widely used in this ECS Policy document but is not specifically defined and has no statutory definition. The following high-level, technologically neutral definition as developed by the ITU at its Plenipotentiary Conference (PP-14) in Busan, 20 October – 1 November 2014, has therefore been adopted: "technologies and equipment that handle (e.g., access, create, store, transmit, receive, disseminate) information and communication".*

5. In an archipelagic nation such as The Bahamas, robust electronic communications and resilient electronic communications infrastructure are also vital in times of natural disasters. ICTs can considerably reduce social exclusion and the rigours of rural migration, particularly from the Family Islands. The Government believes that ICTs can also be a mechanism through which potential gaps between Central and Local Government may be bridged.
6. The Government considers that ICTs must be an indispensable enabler for the socio-economic and cultural development of The Bahamas, and any progressive plan of the Government aimed at empowering its people, eliminating poverty, protecting the environment, combating inequalities and building a peaceful, just and all-inclusive society must involve ICTs.
7. The guiding principles for this ECS Policy include: placing ICTs at the center of the national development agenda⁸, ensuring universal access to basic ICT infrastructure and services; technology neutrality of electronic communications services; convergence of technologies; deepening democracy and good governance; and where appropriate, enhancing public-private partnerships in the delivery of ICT infrastructure and services to the citizens and residents of The Bahamas.
8. Accordingly, this document sets out the Government's strategic aims and policy objectives for the ECS in The Bahamas, and in doing so, is satisfying the requirements of Section 6(1) of the Comms Act.
9. The Government notes that the Comms Act⁹ provides the following statutory electronic communications policy objectives:

To further the interest of consumers by promoting competition and in particular:
 - (i) enhancing the efficiency of the Bahamian electronic communication sector and the productivity of the Bahamian economy;
 - (ii) promoting investment and innovation in electronic communications networks and services;
 - (iii) encouraging, promoting and enforcing sustainable competition in the sector; and,

⁸ See section 1 of the Our Blue Print for Change document.

⁹ See sections 4(a) and (b) of the Comms Act.

- (iv) promoting the optimal use of state assets, including radio spectrum.

To further the interests of persons in The Bahamas in relation to the electronic communications sector by:

- (i) promoting affordable access to high-quality networks and carriage services¹⁰ in all regions of The Bahamas;
 - (ii) maintaining public safety and security;
 - (iii) contributing to the protection of personal privacy;
 - (iv) limiting public nuisance through electronic communications;
 - (v) limiting any adverse impact of networks and carriage services on the environment; and
 - (vi) promoting the availability of a wide range of content services which are of high quality.
10. The Comms Act has thereby established fundamental policy objectives for the advancement of the ECS in The Bahamas. For the avoidance of doubt, the Government's strategic aims and policy objectives that are set out in this document do not derogate from these statutory policy objectives; but rather, are to be considered and, where required, implemented in tandem with the statutory policy objectives for the ECS.
11. The Government's ECS policy objectives are intended to strike a balance between safeguarding consumer interests and its desire to incentivize investment in emerging electronic communications technology and services in The Bahamas. The Government also endeavours to establish a policy framework that disincentivizes conduct by service providers which is antithetical to sustainable competition in the ECS. As such, the Government encourages innovative action by service providers that results in a diverse range of options for consumers that are of high quality and at rates which provide value for money.

¹⁰ Defined in section 2 of the Comms Act as "any service consisting in whole or in part of the conveyance of signals by means of a network, except in so far as it is a content service, including the provision of ancillary services to the conveyance of signals and conditional access to other related services to enable a customer to access a content service."

12. The Government also recognizes that The Bahamas, as a Member State of the United Nations, in September 2015¹¹ ratified the 2030 Agenda for Sustainable Development¹² and was called upon along with all other Member States, by the UN, to develop national strategies to pursue the seventeen (17) Sustainable Development Goals (SDGs). Notably, the 2030 Agenda for Sustainable Development acknowledges that *“the spread of information and communication technology and global interconnectedness has great potential to accelerate human progress, to bridge the digital divide and to develop knowledge societies”*.
13. The Government particularly notes the Sustainable Development Goals Report 2022 (SDG Report)¹³ which highlights the cascading and interlinked crises that are placing the 2030 SDG Agenda in “grave danger”. The SDG Report has emphasized the confluence of global crises dominated by the COVID-19 Pandemic, climate change and international conflicts that are adversely affecting the achievement of the SDGs. The Government therefore considers it important to and does broadly reaffirm its commitment to achieving the SDGs.
14. The Bahamas however, as an archipelagic Small Island Developing State (SIDS), faces peculiar challenges regarding engagement with and the development of its people throughout New Providence and the many Family Islands. The Government recognizes that technology can play a pivotal role in achieving the necessary standards of national development and therefore remains committed to pursuing the 17 SDGs, to the extent possible.
15. Emphasizing the vital role that ICTs must play in the growth and development of The Bahamas and consistent with the 2030 Agenda for Sustainable Development, the Government has aligned, and sets out in this ECS Policy document, its strategic aims and policy objectives for electronic communications towards achieving the following eight (8) SDGs¹⁴:
 - (a) Ending Poverty in all its forms (Goal 1);

¹¹ Resolution adopted by the UN General Assembly on 25 September 2015.

¹² 2030 Agenda for Sustainable Development; <https://www.itu.int/en/ITU-D/Statistics/Pages/intlcoop/sdgs/default.aspx>. - LMK.

¹³ <https://unstats.un.org/sdgs/report/2022>.

¹⁴ Having regard to the Government’s focus on the global impact of climate change, the scope of the listed SDGs has been broadened to include SDGs 11 and 13, in juxtaposition to the 2020 – 2023 ECS Policy.

- (b) Ensuring inclusive and equitable quality education and promoting lifelong learning opportunities for all (Goal 4);
 - (c) Achieving gender equality and empowering all women and girls (Goal 5);
 - (d) Building resilient infrastructure, promoting inclusive and sustainable industrialisation and fostering innovation (Goal 9);
 - (e) Make cities and human settlements inclusive, safe, resilient and sustainable (Goal 11);
 - (f) Take urgent action to combat climate change and its impacts (Goal 13);
 - (g) Promoting peaceful inclusive societies for sustainable development, providing access to justice for all and building effective, accountable and inclusive institutions at all levels (Goal 16); and
 - (h) Strengthening the means of implementation and revitalisation of the global partnership for sustainable development (Goal 17).¹⁵
16. The Government acknowledges that the ECS requires independent and progressive regulatory oversight by URCA¹⁶ to ensure that the sector and state assets¹⁷ are managed effectively and efficiently. URCA's mandate upon its creation included responsibility for the regulation of all forms of electronic communications (including telecommunications, broadcasting and spectrum management). URCA is also empowered by legislation with a broad range of regulatory powers and functions, including competition and merger control powers, which are to be applied in a fair, transparent and non-discriminatory manner.¹⁸
17. The Government particularly recognises URCA's primary statutory mandate is to further the interests of residents and consumers in The Bahamas through the introduction and regulation of sustainable competition in the sector.¹⁹ While the Government, in the main, is not involved in ECS regulatory activities, there are some aspects of the regulatory framework such as the formulation of this ECS Policy, the approval of the National Spectrum Plan and

¹⁵ The 2030 Agenda for Sustainable Development, the United Nations Statistics Division (UNSD), a Department of Economic and Social Affairs (DESA), United Nations.

¹⁶ URCA, established by the Utilities Regulation and Competition Act, 2009 replaced the legacy regulator, the Public Utilities Commission on 1 August, 2009, and was vested with the authority to regulate the ECS by the Comms Act with effect from 1 September 2009.

¹⁷ Within the context of the ECS, state assets include spectrum, telephone numbers and domain names.

¹⁸ See particularly section 5 of the Comms Act. URCA is accountable for its budget and actions in a transparent framework of legal provisions and published policies and regulations. URCA is tasked with establishing processes and procedures that ensure consistency, transparency and proportionality of its actions.

¹⁹ URCA must exercise its regulatory powers in accordance with sound administrative principles. A robust system providing opportunity for examination has been put in place allowing for review of decisions by URCA that affect the rights of parties. The Utilities Appeals Tribunal (UAT), established by the Utilities Appeal Tribunal Act, 2009, has been constituted for the purposes of determining such appeals. It should be noted that URCA also assumed regulatory oversight for the Electricity Sector in January 2016 pursuant to the passage on 31 December 2015 of the Electricity Act 2015 (and consequent amendments to the URCA Act).

certain aspects of the Universal Service framework in which, for policy reasons, the Government has been granted a level of involvement under the Comms Act.

18. The increasing use of ICTs has the potential to have a direct positive impact on the quality of life of the people of The Bahamas. The ECS is a critical player in the furtherance of access to ICTs in the country. For these reasons, the Government believes that the development of the ECS is vital to achieving its overall development goals for The Bahamas. The Government has the responsibility to take all reasonable steps to ensure that definitive measures are taken to improve the productivity and competitiveness of major economic sectors such as the ECS, and to develop emerging sectors to achieve the growth necessary for sustainable development. The Government will therefore strengthen existing institutions such as URCA and assign appropriate ICT priority areas for URCA to champion and deliver on the Government's policy objectives for the ECS.
19. Ultimately, the Government believes that ICTs, through a well-functioning ECS, are a means through which national growth, productivity and development can be achieved. As such, the Government believes that this ECS Policy will build on past sector policies and continue to set the direction and pace for the advancement of ICTs and the ECS in The Bahamas, which will inure to the overall benefit of all stakeholders.
20. Having regard to the context of the foregoing, the Government now sets out its strategic aims and policy objectives for the ECS in the remainder of this document.

THE GOVERNMENT'S ELECTRONIC COMMUNICATIONS STRATEGIC AIMS

21. The realisation of the Government's vision for the social and economic development of The Bahamas, and the people of The Bahamas, requires that its vision be inextricably linked to the Government's strategic aims for the electronic communications sector. Therefore, the Government has set out the following strategic aims to support the achievement of its electronic communications policy objectives:
22. Recognizing the transversal effect of ICTs on the equitable, inclusive, and sustainable development of the Bahamian society, and improved quality of life for our country's citizens and residents, it is the Government's strategic aim for emerging technologies to be provided throughout The Bahamas that can be safely and securely used in digitally transforming the

delivery of goods and services, researching and enabling ICT-driven innovations, fostering creative industries, and catalyzing participative communities of future-ready citizens and residents. The Government will achieve this strategic aim through incentivizing service providers to invest in emerging technologies anywhere in The Bahamas. For example, on 25 May 2022, the Minister for the ECS, in exercise of his powers pursuant to Schedule 3 of the Comms Act has, by Order, established that licensees would be able to receive reductions in their Comms Licence Fee, subject to certain policy objectives of the Government.

23. Recognizing the importance of balancing consumer interests and safeguarding sustainable competition in the ECS, the Government will take reasonable steps to encourage access to a diverse range of electronic communications services is provided to all residents and businesses throughout The Bahamas. Such services should be at a standard and quality available in developed countries and provided at prices which are determined by URCA to be affordable, whilst recognizing the need for licensees to earn a reasonable return on any efficiently incurred costs of delivering electronic communications services and having regard to the specific characteristics of the Bahamian market. The Government intends for this strategic aim to be achieved through–
- reviewing the current Universal Service Obligations (USO) framework to ensure that it remains adequate, the designation of Universal Service Providers (USPs) and the imposition of appropriate regulatory USOs on such USPs; and
 - where appropriate, the establishment of a Universal Service Fund (USF) framework²⁰.
24. Recognizing the potential benefits from the innovations that emerging technologies (such as 5G) must catalyse the economic and social growth of The Bahamas, the Government is committed to the digital transformation of The Bahamas with the ability to leverage 5G technology for the provision of electronic communications services. The achievement of this strategic aim will be facilitated by the Government through promoting investment in the deployment of 5G networks throughout The Bahamas and the development of a regulatory

²⁰ URCA may exercise its powers under Part VII of the Comms Act to designate USPs, impose USOs and to establish a USF.

framework by URCA for the advancement of emerging technologies, including, but not limited to, 5G²¹.

24. Recognizing the increased intensity and frequency of destructive hurricanes on The Bahamas consequential to the effects of climate change²², the Government will encourage investment in reliable and resilient electronic communications infrastructure and networks that are environmentally friendly, with the capacity to –
- withstand natural disasters;
 - support the provision of high-quality electronic communication services to ensure business continuity for key Government agencies and departments such as Central and Local Government, Law Enforcement, Healthcare, Meteorological, and Education; and
 - provide radio, television, satellite and other critical communications systems in times of natural disasters or other national emergencies.

This strategic aim will be achieved through regulatory and other measures developed and issued by URCA, such as the Disaster and Emergency Management framework.

25. Recognizing the need to make the Government more results-oriented, efficient and people-centred, the Government will coordinate and further advance the full implementation of the e-Government initiative through the digitization and integration of Government services to the public throughout The Bahamas. The Government believes this would enhance its accountability, transparency, performance and responsiveness. The Government's strategic aim in this regard will be achieved through the adoption of emerging and new technologies to modernise service delivery, simplify processes, and provide information and services in a cost-effective, timely manner. At the core of this strategic aim, reliable, high-quality connectivity will be provided to Government agencies and departments throughout The Bahamas.²³
26. Recognizing the vital role formal education and learning play in the development of productive residents of The Bahamas, building a knowledge-based society, and the

²¹ The Government also recognizes the emergence of and technological advancement in low-earth orbit (LEO) satellite systems, which have the ability to provide high bandwidth and low communication latency.

²² [Causes and Effects of Climate Change | United Nations](#).

²³ Supra, see footnote 8.

Government's goal to effectively address learning loss²⁴ due to the COVID-19 Pandemic, the Government will integrate the use of ICTs, supported by resilient and ubiquitous electronic communications services that seamlessly connect students, teachers and educational institutions. This strategic aim will be primarily facilitated and achieved through digital connectivity efforts by the Government and electronic communication services provided pursuant to USOs that may be appropriately imposed by URCA on designated USPs.

27. Recognizing that the healthcare needs of people throughout The Bahamas, particularly the underserved communities in the Family Islands, are vast and urgent, the Government aims to provide healthcare institutions with access to high-quality electronic communications services with the capacity to support comprehensive telemedicine/e-medicine services, digital medical records and other modern, digitally advanced healthcare services.
28. Recognizing that the Tourism Industry in The Bahamas is the primary driver of the Bahamian economy²⁵, the Government will take steps to ensure all tourism centres in The Bahamas are provided with a suite of electronic communications services which, at a minimum, is in similar scope and quality to that provided in the home country of those visitors.
29. Recognizing the benefits of Public Service Broadcasting (PSB), the importance of promoting the Orange Economy of The Bahamas through rich, indigenous content development by the designated Public Service Broadcaster (PSB), and the need to restructure the Broadcasting Corporation of The Bahamas (BCB) to ensure its relevance and viability in a modern Bahamian society as the PSB, the Government will facilitate and support the continued transformation of the BCB. This strategic aim of the Government will be achieved in conjunction with the BCB and URCA through necessary legislative reform and the full implementation of the PSB framework, as issued in 2011 by URCA.²⁶
30. Recognizing that the protection of life and property as well as the promotion of national security are vital for the overall economic development of The Bahamas, the Government will ensure that the ECS has the regulatory framework that requires service providers to comply

²⁴ See section 6 of Our Blueprint for Change 2021 document, for additional information.

²⁵ The Tourism Sector represented 51.1% of the Bahamian workforce and 38.2% of the GDP, Ministry of Tourism and Aviation 2021 Report.

²⁶ Pursuant to Section 60 of the Comms Act, URCA issued its "Review of Public Service Broadcasting" Statement of Results ECS 13/2011 document and thereunder made recommendations to the Government regarding PSB.

with generally accepted standards for the provision of electronic communications services for national safety and security.

31. Recognizing that the preservation and enhancement of the environment is an established and growing global imperative and concern, the Government will seek to pursue a policy of “green” communications that aims to minimize the adverse impact of ICTs and electronic communications networks and services on the environment.
32. Recognizing that quality of service (QoS) standards underpin the successful implementation of the Government’s ECS strategic aims and policy objectives, the Government will encourage URCA to take the appropriate regulatory measures in relation to licensees that would improve the capacity and resilience of electronic communications services and networks throughout The Bahamas.
33. The aforementioned strategic aims, though not exhaustive, underpin the Government’s current high-level vision for the ECS, and URCA is encouraged to apply an approach to the issuance of regulatory and other measures that is consistent with such aims, and when implementing the Government’s policy objectives as set out in this document.

THE GOVERNMENT’S POLICY OBJECTIVES FOR THE ELECTRONIC COMMUNICATIONS SECTOR

34. Achieving rapid, equitable and sustainable social and economic growth for The Bahamas and people of The Bahamas is a key policy objective of the Government; and underscores the importance of ICTs and the ECS in the Government’s overall National Development Plan. Being cognizant that the ECS has the potential to significantly impact such growth by providing the catalytic impetus to all other sectors of society, this section of the ECS Policy document details the Government’s policy objectives for the ECS.
35. The Government’s policy objectives provide a complementary framework to the statutory ECS policy objectives and are not only in sync with contemporary technological realities, but also endeavour to guide the orderly development of the ECS in The Bahamas in a manner that ensures maximum developmental impact for the benefit of all sector stakeholders.
36. The full effect of the Government’s policy objectives is mainly dependent on implementation by URCA. As the independent authority with the statutory mandate to regulate the ECS in The Bahamas, URCA has the technical and expert capacity to lead the implementation of the

Government's policy objectives within the regulatory framework of the Comms Act and this ECS Policy. The Government is aware that the challenges and opportunities within the ECS are vast and has therefore set out the following priority policy objectives for the duration of this ECS Policy:

PRIORITY POLICY OBJECTIVES

Expansion of Emerging Technologies Throughout The Bahamas

37. The Government believes that the availability of a robust electronic communications infrastructure underpins rapid and sustainable social and economic growth for The Bahamas. Similarly, continued investment in and roll-out of emerging technologies such as 5G, fibre-to-the-premises (FTTP) and low earth orbit (LEO) satellite, will assist with developing new services, job and wealth creation, education, health, national security and other key facets of the Bahamian economy. Although the ECS has experienced investments and exponential growth over recent years, particularly in relation to mobile services, it is the policy objective of the Government to provide appropriate fiscal incentives to licensees to continue to invest in emerging technologies throughout The Bahamas.
38. For example, and in order to facilitate this, the Government, by Order²⁷, will grant certain reductions in the "pass through" Communications Licence Fee (Comms Licence Fee), which is billed and collected on behalf of the Government by URCA annually, to licensees that invest at least one hundred thousand dollars (B\$100,000) in emerging technology anywhere in The Bahamas.
39. In order to qualify for the reductions, the investment by a licensee must have tangible and measurable outcomes which further the interests of consumers by supporting the rollout of such technologies and the expansion of existing networks to unserved and/or underserved areas in The Bahamas. While the Government broadly encourages investment in emerging technologies, it is particularly concerned that such investments yield specific outcomes that are beneficial to the social and economic growth and development of The Bahamas in general, and the Family Islands in particular.

²⁷ *Supra*, see footnote 20.

40. To further this policy objective, the Government has engaged with URCA and requests that URCA develop the regulatory framework to:

- (i) receive applications from licensees for reductions in the Comms Licence Fee;
- (ii) assess applications to determine whether the investment qualifies for the reductions by being aligned with the policy objectives of the Government to extend the geographic availability of new technologies/services anywhere in The Bahamas; and/or extend the service/network coverage in currently Unserved or Underserved Areas; and/or extend service/network coverage to particular geographic locations which are uneconomic to serve (particularly Family Islands); and
- (iii) verify whether the applicant has actually delivered on the outcomes it has committed to within its application.

41. The Government expects that successful licensees will experience the appropriate reductions to the Comms Licence Fee in the year immediately following the successful application and that such reductions will only be applied by URCA once in any particular year to a Licensee.

42. The Government also requests that URCA monitor the practical application of this reduction scheme throughout the duration of this ECS policy, and accordingly advise the Government on whether the desired policy objectives and outcomes are, in fact, being achieved.

43. The Government encourages URCA to develop a regulatory framework for LEO satellite services in The Bahamas. The framework must give specific regard to the potential this technology can have on provision of cellular mobile services and any rights that licensees have to provide cellular mobile services in The Bahamas.

Universal Service, Access and Obligations

44. It is the policy objective of the Government for all residents in The Bahamas to have access to reliable, high-quality electronic communications services at affordable rates. The achievement of this policy objective will be supplemented through Universal Service

Obligations, as the Government believes that ICT would promote national development, accelerate people development, bridge the digital divide and develop a knowledge-based society.

45. The Government, being mindful of the overarching strategic aim set out in Paragraph 21(ii) above, takes note of and endorses the inclusion in the Comms Act of the statutory USOs, together with the responsibility on certain USPs to meet those obligations.

46. In accordance with section 41(1) of the Comms Act, the Universal Services and USOs in The Bahamas are now as follows:

- A set of basic electronic communications services, delivered at affordable prices, which comprises:
 - Voice telephony access and services (including calls to emergency numbers free of charge) to all populated areas;
 - Broadband internet services at speeds (download/upload) and/or transmission capacity as determined by URCA²⁸;
 - Public access pay apparatus enabled for the provision and maintenance of access to voice telephony services (including calls to emergency numbers free of charge), where it is economically and technically feasible for such services to be made available;
 - Public access pay terminals at easily accessible locations throughout The Bahamas, offering both voice²⁹ and data electronic communications, where it is economically and technically feasible for such services to be made available; and
 - A multichannel television service delivered to all populated areas in The Bahamas and comprising six-channels including any television service provided

²⁸ Pursuant to section 42 of the Comms Act, URCA is empowered to determine universal service obligations.

²⁹ URCA will be encouraged to determine the scope of this service (i.e., fixed and/or mobile voice) under a new USO framework.

by the designated public service broadcaster³⁰, the Parliamentary Channel, and four other channels of local and/or regional relevance.

- The provision of relevant tools and mechanisms to ensure persons with disabilities are able to access all basic electronic communications services.
- Broadband to specified institutions³¹ at all locations where such institutions serve members of the public, as follows:
 - The bandwidth and capacity shall be based on the specific needs of the institution, proportionate to the institution's purpose and likely use of broadband, and the number of people served by the relevant location, in accordance with guidelines developed by URCA; and
 - Broadband access to the specified institutions shall be free or available at subsidised rates in accordance with guidelines developed by URCA.

47. The USOs in this ECS Policy shall not impose any new obligations on the current, or any USP or other stakeholders in the ECS, unless and until the designations of USPs are determined, if so, by URCA pursuant to the revised Universal Service framework, and a timeframe established for such designation to have effect in accordance with the Comms Act.³² Until such time, the designations and obligations contained in the Comms Act shall remain in force.

48. Having regard to the foregoing, the Government is mindful of the need to review the manner in which universal access and services are delivered in The Bahamas, and what services should be included in those obligations. The Government notes that the services and obligations set out in the Comms Act are interim, and considers that appropriate updates to those services and obligations are now necessary, which will closely align with the broad objectives outlined in this ECS Policy. URCA is therefore requested to review the current USO

³⁰ The designated PSB in The Bahamas is the Broadcasting Corporation of The Bahamas (ZNS).

³¹ See paragraph (2)(e) of Schedule 5 of the Comms Act.

³² See Section 42(2) of the Comms Act.

framework and conduct the required market analyses to determine the appropriate USOs and USPs, within the period of this ECS Policy.

49. It is also the Government's policy objective that the foregoing obligations are to be independent of any specific technology (technology neutral), subject to URCA's responsibility to determine the framework for implementation, including access to the Universal Service Fund.

Universal Service Fund

50. The Government believes that the most effective and sustainable means for delivering universal service and access is directly from the relevant turnover³³ generated by licensees from services provided to end customers. However, where such relevant turnover is insufficient to provide such services, support operating expenses and/or needed investment, the Government notes that URCA, by determination or regulation, may establish a Universal Service Fund (USF), from which further financial support may be obtained by designated USPs to be applied to USOs.³⁴
51. The Government recognises that the current funding for USOs may no longer be adequate or appropriate. This is primarily because the two major ECS licensees were both designated USPs and self-funded the provision on their respective USOs. Having regard to the new entrants to the ECS since establishment of the 2009 Universal Service framework and subject to URCA's review of the current USO framework, the existing funding for USOs may no longer be tenable.
52. URCA is therefore encouraged to assess the merits of establishing a USF framework in accordance with the Comms Act to provide the requisite funding for accessibility to electronic communications services for all persons in The Bahamas and to fulfil the Government's ECS strategic aims and policy objectives in this regard. URCA's regulatory measure when conducting such assessment for the USF framework should, among other things, consider the role of the USF in relation to universal access throughout The Bahamas.

³³ Supra, see footnote 21 above.

³⁴ See Section 44(1) of the Comms Act.

53. It is the policy objective of the Government to provide incentives to ECS licensees specifically for the purpose of advancing the development and accessibility of electronic communications technology throughout The Bahamas (“the Purpose”), and particularly in the Family Islands. As such, subject to the need for a USF being determined by URCA as part of its USO framework review, URCA will be required to pay into the fund from the overall Communications Licence fees it collects on behalf of the Government, the following contributions:

- for the financial year commencing the 1st day of July 2024, 0.25% of the Communications Licence Fee, chargeable in accordance with Schedule 3 of the Comms Act;
- for the financial year commencing the 1st day of July 2025 and every succeeding year, 0.50% of the Communications Licence Fee, chargeable in accordance with Schedule 3 to the Comms Act;
- any money appropriated by URCA for the Purpose; and
- any money appropriated by the Parliament for the Purpose.

Notwithstanding the foregoing, the Government notes and endorses that, pursuant to the Comms Act³⁵, URCA may also accept any grant, contribution or loans from any international organisations or donors for the purpose of payment into the USF.

54. The Government, therefore, encourages URCA to establish the USF framework within the period of this ECS Policy, giving due consideration, *inter alia*, to the prudent management, accounts, auditing³⁶ and payout of the fund to USPs.

55. The Government expects that any contributions to financing universal service and access by regulated service providers shall be administered by URCA in a transparent, non-discriminatory and competitively neutral manner.

Enhanced Broadband Connectivity (5G Technology and beyond)

³⁵ Ibid

³⁶ See section 39(5) of the Utilities Regulation and Competition Authority Act, 2009.

56. Access to advanced wireless technology and networks is a key policy objective of the Government. In this vein, the Government is committed to maximising the social and economic benefits of Fifth Generation (5G) technology which is expected to usher in a new era that will create significant opportunities for The Bahamas and people in The Bahamas.
57. The Government is aware that advanced 5G technology and networks are able to provide data capacity, speed and responsiveness that is necessary to transform various sectors of the economy by integrating technological advances such as Artificial Intelligence (AI), the Internet of Things (IoT), Augmented Reality (AR) and Block Chain. 5G technology also has the capacity to reliably connect a large number of digital devices, process high volumes of data with minimal delay and, over time, make technology such as smart cities and automated vehicles mainstream. Most importantly, 5G technology has the potential to significantly support the digital ecosystem and economy of The Bahamas.
58. In The Bahamas, like most countries around the world, the COVID-19 pandemic created unprecedented consumer demand for robust connectivity, that shows no sign of abating. This new demand for greater bandwidth, and global trends, suggests that the demand will continue to grow. It has shaped the development of broadband services and caused a paradigm shift in the way electronic communications services are being provided to consumers. The pandemic has also hastened the expansion of online learning, tele-health services, remote working, e-commerce, and other digital services. The Bahamas has become a destination where digital nomads now wish to live and work, which makes it even more incumbent for The Bahamas to have world-class connectivity.
59. As the digital economy of The Bahamas continues to evolve, the Government recognizes that there is also a real risk that those without reliable, affordable and advanced broadband connectivity will be excluded from effectively participating in the economy. The Government believes that 5G technology can be a tool to effectively address this concern, but in order for The Bahamas to realize the full benefits of 5G technology, a clear policy roadmap must be articulated covering key issues such as spectrum usage, infrastructure requirements, use-case trials, and workable solutions to overcome key challenges.

60. The Government recognizes the preliminary public engagements on 5G conducted by URCA thus far and considers that such engagements should provide useful information on any current demands, current use-cases and foreseeable future use-cases for advanced and enhanced broadband connectivity in both the Bahamian business sector and the wider general public. The Government looks forward to the publication of URCA's report setting out URCA's findings and recommendations in this regard. As this is a matter of public significance, the Government requests that URCA consultation with relevant stakeholders on the issues germane to the potential roll-out of 5G technology in The Bahamas and advise the Government on the results and final decisions of the Public Consultation.
61. The Government will also implement measures to facilitate the availability of reliable, high-speed and high-quality connectivity throughout The Bahamas including, but not limited to, the following:
- continued engagement with relevant stakeholders and industry groups to understand and enable their use-cases for advanced mobile communication technology, including 5G;
 - incentives for the continued roll-out of fibre-to-the-premises by BTC and CBL;
 - creating a working group, inclusive of electronic communication service providers, relevant government industries and URCA, to monitor global advanced internet connectivity trends and to assess the implications for The Bahamas;
 - ensuring that there is a business and regulatory environment that enables a market-led provision of advanced mobile communications technologies, including 5G; and
 - educating the wider public and business industry on the benefits of advanced mobile communications technologies, such as 5G.

Additional Cellular Mobile Competition

62. Under the 2020 – 2023 ECS Policy, the Government requested URCA to provide advice and recommendations to the Government, including a feasibility and market analysis, to support any recommendations anent further liberalisation of the cellular mobile market in The Bahamas. URCA has provided the requested advice and recommendations, which this Government has taken under advisement. URCA's considered assessment has indicated

that a third mobile entrant would not be commercially viable or further the policy objective of promoting sustainable competition in the cellular mobile market at this time. Therefore, the Government, during the life of this policy, proposes to refrain from introducing further competition in the cellular mobile market.

63. Within this context, a key policy objective of the Government is to ensure that the market continues to deliver positive benefits to consumers in the future. This is especially in light of URCA's concern that the competitive dynamics between the two existing Mobile Network Operators (i.e., the Bahamas Telecommunications Company Ltd. and BeAliv Limited) may change in the future.³⁷ In particular, as the market becomes more concentrated and potentially susceptible to tacit coordination,³⁸ it is possible that competition could lessen which could slow further improvements to consumer outcomes.³⁹ To this end, URCA is encouraged to closely monitor the progress and developments in the market with a view to ensuring that the cellular mobile market continues to exhibit effective and sustainable competition, including the merits of encouraging further entry at a later stage should the current market structure fail to deliver competitive outcomes.

Content Regulation and Public Service Broadcasting (PSB)

64. The overall policy objective of the Government for the Broadcasting Sector in The Bahamas is to create, within the framework of the Constitution and particularly the Protection of Freedom of Expression⁴⁰, an environment that enables broadcasting services to be provided in the public interest and contribute to the socio-economic and cultural development of The Bahamas. This policy objective emphasises the development and promotion of local content and a market structure that safeguards national norms, mores and values in a contemporary Bahamas.

³⁷<https://www.urcabahamas.bs/decisions/ecs-15-2022-statement-of-results-and-final-determination-retail-cellular-mobile-market-review-and-assessment/>

³⁸Tacit coordination or tacit collusion refers to an oligopolistic market phenomenon where leading firms take advantage of certain features of a market and coordinate their behaviours on prices, outputs, etc., by taking into account their competitor's strategies and likely reactions, without getting into any formal or overt agreements.

³⁹Coordinated behaviors are prevalent in cellular mobile markets internationally especially where the major players have converging or similar market characteristics, as is currently the case in The Bahamas.

⁴⁰ See Article 23 of the Constitution of The Bahamas.

Content Regulation

65. The Government notes URCA's publication of a Code of Practice for Content Regulation (the Content Code) and its application of the Content Code to relevant licensees. The Government particularly notes URCA's efforts, through the co-regulatory, industry working group, to monitor the Content Code and its enforcement⁴¹. The Government believes that it is important for URCA to continue to monitor the Content Code to ensure that it remains relevant to and consistent with the moral values of a modern Bahamian society.
66. The Government also believes that it is imperative for URCA to continue to educate both the public and the broadcasting industry as to the existence, importance and effect of the Content Code. The Government encourages URCA to continue to review the Content Code considering the constantly evolving communications environment and recent trends in The Bahamas of broadcasting across internet applications and social media platforms. The following aspects of the Content Code are of particular interest in this regard:
- a. The Rules surrounding political broadcasts and election campaigns, having regard to emerging technology and virtual platforms for news broadcasts and information delivery;
 - b. Access by persons with disabilities to information broadcast by television, particularly in relation to emergency and other national programming. The Content Code must provide the relevant tools and mechanisms to ensure the ability of persons with disabilities to access basic electronic communications services; and
 - c. Ensure development of avenues to achieve the SDG of ensuring inclusive and equitable quality education and promoting lifelong learning opportunities for all.

Public Service Broadcasting

67. The achievement of the Government's strategic aims and policy objectives for the broadcasting sector in The Bahamas requires not only effective and appropriate regulation of the content broadcast, but also the full implementation of the framework for Public Service Broadcasting (PSB)⁴² that meets the social, economic and cultural needs of The

⁴¹ Pursuant to section 30 of the URCA Act, 2009 and section 55(1) of the Comms Act, respectively.

⁴² The introduction of PSB was completed and the recommendations submitted by URCA in 2011 pursuant to the Statement of Results and Final Decision on "*the Review of Public Service Broadcasting - ECS 13/2011*" document.

Bahamas. In this regard, URCA has submitted recommendations to the Government regarding proposed changes to the role of the Broadcasting Corporation of The Bahamas (BCB) as the designated PSB⁴³ in The Bahamas, the remit and corporate governance of the BCB, the preferred method of funding any PSB obligations recommended, and changes that would be required to the Broadcasting Act in order to implement the recommended changes.

68. The Government is aware that full implementation of the PSB framework now requires certain action that falls outside the statutory functions and powers of URCA. As such and within the duration of the ECS Policy, the Government is committed to the following:

- Legislative reform to the Broadcasting Act, Chapter 305, having regard, but not limited, to –
 - the accountability of the BCB to audiences and the Government (Recommendation 8)
 - the Corporate Governance of the BCB (Recommendation 9); and
 - funding of the BCB (Recommendation 9).

Disaster and Emergency Management

69. National disasters and emergencies, whether natural or man-made, can have a potentially catastrophic impact on the social and economic growth of The Bahamas.⁴⁴ Global warming has become an existential threat to The Bahamas as a Small Island Developing State, and The Bahamas is on the frontline of the adverse effects of climate change.⁴⁵ The trajectory for global warming is well documented and the Intergovernmental Panel on Climate Change special report on the impacts of global warming stated that “*climate-related risks to health, livelihoods, food security, water supply, human security and economic growth are projected to increase with global warming of 1.5 degrees Celsius and increase further with 2 degrees*

⁴³ See section 115 of the Comms Act.

⁴⁴ According to the Inter-American Development Bank (IDB), Hurricane Dorian caused approximately US\$3.4 billion dollars in damages, and hurricanes generally has caused US\$6.7 billion in damages in the two decades leading up to 2022. The IDB pegged this latter sum as equivalent to 50% of The Bahamas’ GDP. Further, the “*Assessment of the Effects and Impacts of the COVID-19 Pandemic in The Bahamas*”, July 2022, a joint report by the IDB and the United Nations’ Economic Commission for Latin America and the Caribbean (ELAC) has estimated the total cost of the impacts and effects of COVID-19 on The Bahamas to be US\$9.5 billion, with tens of thousands of job losses and long-lasting effects on the country’s tourism sector.

⁴⁵ The National Statement of the Commonwealth of The Bahamas delivered by the Rt. Hon. Prime Minister Philip Davis, MP, during the Summit for Democracy 2023, on 29 March 2023.

Celsius". Between 2015 and 2021, The Bahamas has experienced five (5) major hurricanes, including hurricane Dorian (a category 5 storm⁴⁶) on 6 September 2021, that exacted significant devastation on the islands, people and economy of Abaco and Grand Bahama. The effects of this weather phenomenon have been exacerbated by the ongoing COVID-19 global health pandemic, since declared in March 2020.⁴⁷

70. Both events have highlighted that reliable electronic communications services and resilient electronic communications networks/infrastructure play a critical role in national emergency and disaster preparedness and mitigation. The need to establish an effective emergency communication infrastructure and build resiliency has become more apparent as The Bahamas confronts the challenges of the pandemic, global warming, climate change, rising sea levels, longer hurricane seasons and the increase in the frequency and ferocity of seasonal storms and other weather systems.
71. Disaster risk reduction in an archipelago such as The Bahamas is, to a great extent, dependent on electronic communications services for the timely dissemination of storm warnings, emergency preparedness and mitigation activities to residents on different Family Islands. Electronic communications is therefore essential in establishing effective hurricane and storm alerts and forecasting systems in order to reduce risks and losses to individuals and communities, and to facilitate the alacritous return to normality for The Bahamas and people in The Bahamas. Focused attention and efforts should also ensure that Critical Electronic Communications Infrastructure Providers (CECIP)⁴⁸ in The Bahamas comply with regulatory measures that promote disaster preparedness, mitigation, restoration and reconstruction.
72. URCA is encouraged to continue to advance and/or issue regulatory and other measures to mitigate the losses consequential to national emergencies and disasters. In this regard, the Government notes the following compendium of regulatory measures that URCA has issued

⁴⁶ As graded by the National Oceanic and Atmospheric Administration (NOAA).

⁴⁷ As declared by the World Health Organization (WHO) on 11 March 2020.

⁴⁸ Pursuant to URCA's Disaster Management Regulations – ECS 18/2020, CECIP refers to an ECS Licensee that provides "carriage services, content services, electronic communications networks, and related facilities, supply chains, and information communications technology (ICT), which if destroyed, degraded or rendered inoperable for an extended period, would significantly impact the social and/or economic well-being of the nation, or affect The Bahamas' ability to provide national security."

or is in the process of issuing, that aim to address national emergencies and disaster management:

- Quality of Service Regulations for Electronic Communications Networks and Services in The Bahamas (ECS 42/2016);
- Disaster Management Regulations for the Electronic Communications Sector in The Bahamas (ECS 18/2020);
- Information and Communication Technologies for Persons with Disabilities in the Bahamas;
- Draft Regulations for the National Alert Warning System in the Electronic Communications Sector in The Bahamas (ECS/01/2023); and
- Conditions contained in licences granted by URCA.

73. URCA is urged to complete its work where regulatory action is still in the developmental phase and amplify efforts to monitor and enforce compliance where the regulatory measures have been issued. The Government particularly urges URCA to ensure the effective and expeditious implementation and enforcement of the Regulation of the National Alert Warning System (NAWS) and ensure Participating Service Providers comply with the regulations for early warning systems and alerting protocols.

74. The Government recognizes The Bahamas' regional and international commitments in relation to disaster management. The Government, therefore, encourages URCA to ensure that all disaster management regulatory and other measures consider and be aligned with the recommendations of the International Telecommunication Union, Tampere Convention, United Nations Office for the Coordination of Humanitarian Affairs and any other bilateral agreements between The Bahamas and other countries and international organizations.

75. Against the foregoing backdrop, it is the policy objective of The Government for improved electronic communications networks, including radio, television and telephony systems in order to effectively communicate with all areas of The Bahamas and to ensure rapid response capability in times of national disasters and emergencies.

Spectrum Management

76. Spectrum is critical to any electronic communications service or network that requires wireless technologies. The increase in the provision and take-up of mobile services and the introduction of new wireless broadband technologies, such as LTE, have significantly increased the demand for spectrum. There is also the need to assign spectrum to enable the roll-out of 5G technology. These and other factors have made spectrum a very valuable state asset which must be managed efficiently and effectively, having regard to international standards and protocols and market dynamics. The Government's policy objective is therefore to ensure the effective planning, allocation, assignment, licensing, utilization and monitoring of spectrum as a state asset, taking account of the need to facilitate the deployment of existing and emerging technologies.
77. Policy objectives and regulatory measures on spectrum can have economic, safety, health, public interest, cultural, social and technical implications. The Government believes that effective management, planning and efficient use of spectrum can create new opportunities for innovation and national development, while simultaneously contributing to the economic recovery and social cohesion of The Bahamas. The management and use of spectrum must however maintain a balance between the public and private interest, and in the event of conflict, public interest should prevail.
78. The Government considers that it is imperative that appropriate regulatory measures are adopted to maximize the economic and social benefits from the use of spectrum as a potentially scarce resource. URCA is the custodian of radio spectrum on behalf of the people of The Bahamas. The Government also considers it important that URCA continue to review and assess spectrum management activities to ensure that radio spectrum is used efficiently by licensees, at prices which reflect as closely as practicable the value of this potentially scarce resource, and recover the costs incurred in the regulation and management of spectrum in a fair and non-discriminatory manner. The Government is cognizant that these objectives should be achieved through appropriate allocation of spectrum bands, assignment of an appropriate quantum of spectrum to licensees, setting incentive-based prices where appropriate, and claw-back or redistribution of spectrum where use of the spectrum is not consistent with established policy objectives and international best practices.

79. URCA is required under the Comms Act to formulate, in consultation with the ECS Minister, a revised National Spectrum Plan every three (3) years of publication of the initial spectrum plan, and submit the revised National Spectrum Plan to the Minister for consideration. The Government is aware that the current National Spectrum Plan⁴⁹ expires in 2023 and therefore expects URCA to formulate and submit the revised National Spectrum Plan to the Minister in accordance with the Comms Act. The revised National Spectrum Plan should take into account, inter alia, the outcomes of the International Telecommunications Union (ITU) World Radio-communication Conferences (WRCs).⁵⁰

ICT Access by Persons with Disabilities

80. The Government recognises that robust penetration of ICTs within the social, economic and cultural structures of The Bahamas depends on all its people. Persons with Disabilities (PwDs) are a very important segment of the Bahamian society that has and can continue to positively contribute to the overall development of The Bahamas, but are sometimes marginalised in most activities. Therefore, there is an urgent need to address PwDs as a special group that contributes to the growth of ICTs and the use of ICTs as an empowerment tool in their daily activities. It is therefore the Government's policy objective, and it is fully committed, to provide equal treatment to PwDs with respect to the use and benefit of electronic communications services and networks in a manner that respects their dignity and that is equitable to the members of the wider public.

81. The Government believes PwDs should be able to fully participate in the digital space in line with the obligations of the UN Convention on the Rights of Persons with Disabilities (UNCPRD).⁵¹ The Bahamas is a signatory of the UNCPRD which stipulates, inter alia, that PwDs have a right to access information through different mediums, with Article 9 covering accessibility including ICTs, while Article 30 covers television programmes, films, theatre

⁴⁹ National Spectrum Plan 2020 – 2023 ECS 02/2020.

⁵⁰ The Revised 2023 – 2026 National Spectrum Plan must consider the outcomes of WRC 2023 and submitted to the Minister as soon as reasonably practicable thereafter.

⁵¹ Adopted by the UN General Assembly on 13 December 2006.

and other cultural activities. It is important to note that the WHO estimates that approximately ten per cent (10%) of the global population has some type of disability.

82. Building on the Government's policy objective for PwDs, recognizing that the involvement of PwDs in the information society can be a challenging process and special ICT devices are costly and scarcely available, the Government firmly believes that improving ICT accessibility will assist members of disadvantaged social groups to participate on an equal footing in the digital society and have equal opportunities in terms of employment, protection in cases of emergencies, social interaction and general daily life.

83. The Government encourages URCA to implement regulatory and other measures on ICTs for PwDs that are aligned with The Bahamas' commitments under the UNCRPD, having particular regard to the following:

- appropriate forms of assistance and support to persons with disabilities to ensure their access to information;
- ensure that ICT services and emergency communications made available to the public are provided in alternative accessible formats for PwDs;
- access for persons with disabilities to new information and communication technologies and systems, including the internet; and
- the design, development, production and distribution of accessible information and communications technologies and systems at an early stage, so that these technologies and systems become accessible at minimum cost.

84. As a region, the Caribbean, has addressed issues of accessibility and the use of ICTs in the delivery of assistive services to persons with disabilities. CARICOM through its agency, the Caribbean Telecommunications Union (CTU) has launched an assistive services programme through which communication services will be provided via the internet to the hearing and visually impaired. As the Government works alongside CARICOM and the CTU to ensure the successful implementation in the region of assistive services it will do so in tandem with the development of its national programmes to affect the delivery of opportunities for inclusion to the disabled community. Policies on accessibility in the ECS will consider the place of

assistive services (including sign language interpretation relay services for the deaf and hearing impaired and video descriptive relay services for the blind and visually impaired) in the national programme.

85. The Government anticipates, and will promote, a Bahamas in which electronic communications users who are differently abled can benefit from electronic communications products and services that are tailored to their needs and at a level equivalent to that enjoyed by their international counterparts.

Quality of Service (QoS)

86. The Government believes that the social and economic development of The Bahamas through ICT and the ECS requires reliable, high-quality electronic communications services to be delivered over robust and resilient electronic communications networks. Subscribers in The Bahamas should also be able to receive the electronic communications services for which they pay and at a quality that is comparable to that provided in developed countries.

87. The Government acknowledges that the increase in ICT services, devices and equipment availability, particularly post-COVID-19, presents new challenges in terms of quality assurance, safety standards, unclear consumer protection responsibilities and other consumer-facing considerations. The Government therefore encourages URCA to ensure that the consumer protection regulatory framework is well-defined and QoS standards are complied with by service providers.

88. The Government recognises the Consumer Protection Regulations (CPR)⁵² and the Quality of Service Regulations for Electronic Communications Networks and Services in The Bahamas⁵³ issued by URCA, that endeavour to ensure consumers are adequately protected in respect of the quality of ICT products and services within The Bahamas. The Government is aware of the prevailing concerns by consumers regarding the quality of service of electronic communications services throughout The Bahamas. While the Government

⁵² Consumer Protection Regulations – ECS 19/2013 document, issued by URCA on 30 December 2013.

⁵³ Quality of Service Regulations for Electronic Communications Networks and Services in The Bahamas – ECS 42/2016 document, issued by URCA 22 December 2016.

commends URCA's efforts in this regard, the Government urges URCA to revise its QoS regulatory measures, where necessary, to effectively address consumer concerns, and to enforce the CPR and QoS regulations to ensure the reliability and availability of electronic communications services on all islands of The Bahamas, if the objectives outlined in this policy and the Comms Act are to be achieved.

Regional and International Participation

89. The Government is cognisant that the development of ICT in The Bahamas forms part of a global ecosystem of ICT development in respect of which the Government, as a policy objective, is determined that The Bahamas must continue to participate.
90. The Bahamas is a member of the British Commonwealth and the Caribbean Community (CARICOM), both of which have telecommunications-related bodies or groups, the deliberations and activities of which The Bahamas either directly or through URCA participates and will continue to participate. The Government notes that CARICOM has recognised the influence of ICTs in shaping the process of globalisation, particularly as it relates to the commercial and financial services industry and that ICT is almost certainly the single most important facilitator of regional integration through the CARICOM Single Market and Economy (CSME).
91. The Bahamas is also a member of the Organisation of American States (OAS), and participates in the OAS' telecommunications entity, the Inter-American Telecommunications Commission (CITEL). URCA is requested to continue its representation of The Bahamas at CITEL.
92. The Government believes that international co-operation is essential for establishing standards for electronic communications systems and affords countries like The Bahamas the opportunity to take advantage of the experiences of other nations in the development of electronic communications regulatory regimes. The International Telecommunication Union (ITU)⁵⁴, its organs and other relevant international organisations provide an invaluable resource for the achievement of these objectives. The Bahamas is a Member State of the ITU and URCA in its role as the sector regulator for The Bahamas is a sector member of the ITU.

⁵⁴ The ITU is a specialised agency of the United Nations responsible for Information and Communications Technology.

URCA is tasked with ensuring that The Bahamas remains abreast of international developments in electronic communications and is expected to actively participate in key discussions and decisions in a manner consistent with the best interests of The Bahamas. While the Government has appointed an Ambassador to the ITU and the Mission in Geneva, Switzerland as a representative of The Bahamas, the Government reaffirms its delegation to URCA of the responsibility for also representing the Government at ITU, in accordance with section 7(c) of the Comms Act. The Government expects a collaborative approach between URCA and the Ambassador in this regard.

93. Broadly, URCA is encouraged to continue to develop and engender good relations with regional and international organisations and regulatory bodies, with the goal of enhancing its regulatory activities. URCA must also ensure that The Bahamas meets its regional and international telecommunications obligations, while simultaneously deriving the maximum benefit from international co-operation, experiences and best practices in these areas.

GENERAL POLICY OBJECTIVES FOR NATIONAL DEVELOPMENT

Governance

94. It is the policy objective of The Government to continue to modernise the public sector in order to achieve efficient and effective delivery of public services through the implementation and utilisation of e-Government systems.
95. In order for the Government to function more effectively and efficiently, high-speed, high-quality communication, including broadcasting, connecting all Islands of The Bahamas is essential. Government ICTs are vital for the delivery of efficient, cost-effective public services, which are responsive to the needs of private individuals and businesses. The introduction and expansion of e-Government initiatives will promote accessibility by individuals and businesses in The Bahamas to key government services thereby improving the quality of life and the ease of doing business in The Bahamas and with the Government.
96. The ECS services will be enhanced by the building and development of high-capacity communications infrastructure and solutions, which will allow the various Government Ministries to communicate with each other and create synergies for the seamless acquisition

and dissemination of information and the transfer of knowledge. This will, in turn, facilitate the Government's efforts to modernise public administration and, ultimately, the delivery experience within the government service, and between the Government and users of its services. Such an approach is the basis of open, transparent and accountable Government.

97. The Government will explore innovative and creative options, including public-private partnerships, alternative funding mechanisms, etc., for the deployment of high-speed broadband services to government departments, schools and other academic institutions, public health institutions, and cultural institutions such as libraries.

98. It is also the policy objective of the Government that government services must be available online and delivered quickly at the time and place that they are needed. This policy objective requires government online services to work efficiently and effectively at all times for people to appreciate, prefer and use online public services.

99. The Government will continue its efforts to modernise various sectors of the public service, improving the quality and accessibility of the services provided by the Government to residents of The Bahamas, including:

- the ease of doing business and the perception of The Bahamas as a jurisdiction in which there is ease and efficiency in accessing business services⁵⁵; and
- the implementation of new technologies within government agencies to attain a higher level of efficiency and access to services.

100. The Government will adopt and implement ICTs and electronic communications as key enablers to achieving good governance and increasing efficiency in operations.

Community Development

101. A primary objective of the Government is to assist in creating an environment in which

⁵⁵ Based on 2022 World Bank data, The Bahamas was rated 119 of 190 countries in terms of the ease of doing business. The ranking represented a decline from 118 in 2018. See: [Ease of Doing Business in Bahamas - 2022 Data - 2023 Forecast - 2008-2021 Historical \(tradingeconomics.com\)](#)

education, training initiatives, creating sustainable jobs, and emphasising the continued development of Bahamian culture are priorities. The vision for the Government's community development initiatives is to provide relevant information and knowledge to residents of The Bahamas, and take prompt and affirmative action where necessary to ensure that all residents of The Bahamas live in a safe and peaceful environment where all the basic necessities of life are accessible and attainable.

102. Use of ICTs as an agent for community development will expand the opportunity for residents to take advantage of additional educational and training initiatives, which previously may have been unattainable. The opportunity to create avenues for engagement in our city centres and more populated communities is also a focus of Government. In this regard, the Government has launched a Bahamas Park Connect Free WiFi access programme (the WiFi Project)⁵⁶ to provide persons living in those communities with free access to broadband. The WiFi Project is being provided in partnership with ECS service providers, and will be expanded to communities throughout The Bahamas. The WiFi Project allows members of the community to have access to the internet, and the wealth of information available for education and skills development and to support and facilitate entrepreneurial ideas. The Government is also seeking the development of policies and initiatives that would encourage the creation of opportunities for greater access by residents to broadband in urban areas, particularly young persons and women who historically have been underserved worldwide.

103. Government is of the view that broadband should be readily available throughout communities across the country, in both urban centres and remote communities. It is recognised, however that the cost of infrastructure development in remote and sparsely populated communities often presents a challenge to operators realising a return on investment. The Government is supportive of the development of a model that allows for innovative means of delivery of connectivity to communities. Accordingly, the Government will encourage the introduction of effective models which, traditionally, may not have proliferated in the Bahamian market. Such innovation may include, but not be limited to, the use of small community operators and co-operatives, the creation of appropriate bespoke regulatory measures, incentives or waivers and adequate, equitable and inclusive spectrum

⁵⁶ Inaugural launch in Cat Island by Prime Minister Philip Davis on 13 August 2022.

planning and management. The Government believes that such an approach will deliver multiple social and economic benefits to remote populations, particularly in the Family Islands.

Financial Services

104. The Government seeks to create a digital environment where money creates value quickly by moving rapidly and efficiently through the business transaction cycle of the Bahamian economy. The Government recognises that Financial Technology (FinTech) and secure technology infrastructure will provide an enabling environment for businesses to raise capital and attract foreign direct investment (FDI). As such, The Government considers that electronic communications and ICTs are essential as the country reaffirms its position in the global financial arena.

105. The Ministry of Economic Affairs will engage in initiatives to encourage more companies to be domiciled in and/or expand their bases of operation in The Bahamas. A sound electronic communications infrastructure is a primary component for this to occur. With the adoption of the appropriate technology in the Financial Services Sector, connectivity will be enhanced, increasing the opportunities for growth and impact in the sector.

106. Reform of the established currency and payment systems through robust and secure ICT infrastructure must be priority items for Government as the country seeks to ensure it positions itself to harness the benefits financial technology and cryptocurrencies offer.

107. The Government also recognises that blockchain technology and cryptocurrencies have the potential to play a pivotal role in growth of the Financial Services sector in The Bahamas. The promotion of block chain as a sub-industry within ICT to attract logistics companies and similar entities is being encouraged. Government along with the sector is considering the application for blockchain technology and the opportunities the technology presents such as payments and other uses in domestic financial services. The strategic plans for financial services include the provision of more services digitally in a secure environment. Under active consideration are:

- plans to further evolve the local payments system;

- the possible application of a distributed ledger technology;
- the security of blockchain technology; and
- potential paths to blockchain adoption in the domestic economy.

The impact of cryptocurrencies and the emergence of a decentralised system and the digital, virtual alternative currencies in that decentralized system of control must be examined in light of the existing centralized electronic money and central banking system.

Crime Prevention and National Security

108. The Government recognises that the protection of life and property as well as the promotion of national safety and security are vital for the overall economic development of The Bahamas. Accordingly, it is the policy objective of the Government to leverage the potentials of ICTs to assist law enforcement agencies in The Bahamas to secure our borders through the use of appropriate electronic communications tools as part of the overall national security strategy.

109. The Government is mindful of the potential impact of crime and perception of the prevalence of criminality on the development of various areas of the economy, particularly those with direct international participation such as tourism and financial services. The Government is also keenly aware of the direct effect of breaches of law on residents and citizens of The Bahamas. Efforts will therefore be increased to use state assets such as spectrum as a tool for crime prevention through the use of closed-circuit cameras for public surveillance (CCTV), and broadcasting of criminal or anti-social activities (MARCO Alert). The utilisation of electronic communications and other electronic devices, such as Shotspotter technology, will be also enhanced to assist in crime detection and prevention and intelligence-gathering, as part of the Government's policy objectives.

110. The Government urges URCA to ensure that electronic communications service providers comply with regulatory measures, licence obligations and standards of service for public safety, national security and national emergencies in all parts of The Bahamas (whether on land, sea or air).

Education

111. The Government recognises education as the cornerstone of social progress and economic development for The Bahamas. The Government believes that ICTs can enhance the educational system in providing a wealth of information and online courseware⁵⁷. The Government's policy objective is therefore to foster an environment in which there is the ubiquitous utilisation of ICTs to ensure an inclusive and equitable education system that provides equal opportunities to all for continued quality education, training and academic growth.
112. The Government acknowledges the learning loss throughout The Bahamas consequential to the COVID-19 pandemic, and is committed to ensuring that no person is left behind in the education system. The Government will pursue enhanced investment in the education system and its infrastructure in order to integrate ICTs in the teaching and learning process. The Government's intent is to create an educational system which uses technology platforms that are sound and robust, to enhance competitiveness and develop the strengths of each person to ensure that opportunities to contribute to the development of The Bahamas are fully exploited.
113. The Government considers that the physical location of someone in The Bahamas, particularly in The Family Islands, should not prevent the achievement of educational parity and success. In its efforts to provide equal opportunities in education throughout The Bahamas, the Government has adopted an e-learning programme as part of ongoing education reform initiatives that include the use of technology and experience-based education. The benefits of e-learning are enormous: it enables people to acquire skills anywhere and at any time; it empowers teachers to adopt new pedagogical practices and methodologies to tailor interventions on the basis of personal learning needs and to individualize assessment. More importantly, e-learning has the potential to cater to informal learning; accommodate different learning styles; support more efficient workforce training; and reduce training costs and time-to-competencies. The Government, therefore, considers it important to mainstream e-learning in the national policies for the modernisation of

⁵⁷ Computer programs or other material designed for use in an educational or training course.

education and training, including curricula development and assessment of learning outcomes in The Bahamas.

114. The integration of ICT in the education system, which has the modernisation of education in The Bahamas as its aim, the Government seeks to achieve this objective through the use of interactive learning techniques using tablets and software that allows educators to better assess, monitor and track academic performance. Through public-private partnerships, the Government will provide digital tools and devices such as tablets and applications in promoting ICTs for e-learning and other education initiatives.
115. The Government's policy objective is to provide educational institutions throughout The Bahamas with free access to robust high-quality domestic and international electronic communications capable of supporting and enhancing a wide range of modern educational applications. The Government believes that this policy objective can be achieved as part of the USO framework established by URCA.

Tourism

116. The Government recognises the importance ICT plays in the tourism, travel and hospitality industry and intends to revamp the tourism model to harness the full potential of the Bahamas' Orange and Blue Economies. ICT will play a vital role in promoting and showcasing Bahamian hospitality including: community-based creative entertainment; heritage, sports, religious, medical and eco-tourism.⁵⁸
117. High-speed ICT infrastructure affect tourists' behaviour when choosing a vacation destination.⁵⁹ Through the increased use of ICTs, tourists are able to access and share information on the destination, customize travel bookings, rate quality of service in hotels and restaurants, and highlight the social and environmental conditions of the destination. As such, the Government considers ICTs to be a powerful tool that can impact the Bahamas' competitive advantage in the tourism industry.

⁵⁸ See section 1 of Our Blue Print for Change 2021 document, for additional information.

⁵⁹ UNWTO (2012), Tourism Highlights 2012, Madrid - DRD.

118. The Government will be the catalyst for and provide assistance in attracting tourism projects to The Bahamas, which will be enhanced by the integration of competitively-priced electronic communication services into their daily operations. A good quality, high-speed broadband connectivity product is also key in improving The Bahamas as an attractive destination for conferences, conventions and other enterprise related tourism activities. This policy objective has taken on greater importance post the COVID-19 pandemic, and the resurgence of tourist travel to The Bahamas as a destination of preferred choice.

Health Care and Wellness

119. The Government believes that ICT is a fundamental component for modernising the healthcare system and the delivery of healthcare services throughout The Bahamas. Robust broadband infrastructure is important for supporting many activities of the health sector. The application of ICT is also a vital tool to facilitate e-health, management of health information, access by the public to online health information, the potential use of text messaging for health reminders and updates, and virtual engagement and learning by health professionals. The Government is therefore committed to infrastructural, medical IT and emergency medical services upgrades throughout The Bahamas.⁶⁰
120. The Government acknowledges the recommendations by the Pan American Health Organisation (PAHO) regarding the “*power and potential of digital technologies to advance public health*”.⁶¹ The Government notes PAHO’s observation regarding the COVID-19 pandemic that digital technologies had an enormous impact on patient care – those who had access to digital tools benefited, while those who did not suffered a greater impact from disruption in health services. The Government further notes PAHO’s position that “*real-time data made available through robust health information systems can improve how health systems are managed since it can reveal problems and pinpoint where additional resources may be needed.*”

⁶⁰ Presentation by the Hon. Dr. Michael Darville, MP, during the 2021-2022 Budget Debate in the Honorable House of Assembly.

⁶¹ PAHO’s Guiding Principles for Digital Transformation of the Health Sector 2021, and commentary attributed to Dr. Carissa Etienne published in the Nassau Guardian on 3 March 2023, under caption “*Bringing Public Health to the Digital Age*”.

121. The Government will incorporate ICTs into its reform of the healthcare infrastructure by streamlining and computerising records and inventory to ensure adequate supply of critical drugs and the easy retrieval of patient records across the healthcare system. The adoption of ICT and electronic communications in this sector will prove vital in providing the technical support for hospitals and clinics throughout The Bahamas. This has already been demonstrated with the success of the tele-medicine programme through which doctors have delivered services to remote communities within The Bahamas.
122. The Government recognises that, given the archipelagic nature of the Bahamas, the delivery of critical and immediate healthcare to rural communities continues to challenge medical professionals. The Government will continue to seek to create opportunities for the development of e-medicine services, which are supported by best-in-class electronic communications, enabling doctors and health professionals to access patients' medical records and to deliver quality healthcare and services wherever the geographical location in The Bahamas.
123. Having regard to the foregoing, it is therefore the policy objective of the Government to encourage the adoption of ICTs to improve and extend access to and delivery of quality healthcare and health information systems throughout The Bahamas.

Agriculture and Fisheries

124. The Government is committed to improving the potential for the Agriculture and Fisheries sector⁶² in The Bahamas, both in terms of food security and its overall contribution to the GDP.⁶³ Given the importance of agriculture and fisheries to the economy of The Bahamas, the sector merits specific attention in terms of the contribution of ICTs to increase the sector's efficiency. The Government believes that high-speed broadband can have many useful impacts in the sector and boost productivity. Through ICTs, farmers have the potential to get detailed access to pricing, information on crop growing and livestock raising techniques, weather reports, disease prevention tips and leverage e-commerce for both buying and selling agricultural and fishery inputs and outputs. Radio Frequency Identification

⁶² Including crop farming, livestock raising, fishing and forestry.

⁶³ Contributing to approximately 1% of The Bahamas' GDP. Food imports are approximately 80%. Source: IADB.

(RFID) chips can be used for tagging and tracking livestock. ICTs can also transform the agricultural sector into a modern industry with electronically connected value chains and widespread use of the Internet of Things.

125. The Government, in conjunction with the United Nation’s Food and Agriculture Organisation (FAO), has commenced the digital transformation of the agriculture sector with the creation of the “digital village” programme⁶⁴ to enable farmers to incorporate technology into their businesses. The programme is a public-private partnership (PPPs) to identify, implement and adapt digital agriculture solutions along targeted value chains identified by the Ministry of Agriculture, Fisheries and Family Island Affairs. Critical to the programme’s success will be the creation of Territorial Digital Centres, which will be supported by PPPs to offer a full suite of services for the creation of the digital ecosystem. The Government believes that this model will serve as the catalyst for stronger linkages between rural and urban areas and drive the transformation of a more sustainable agri-food system and an innovative agri-business industry for The Bahamas.

126. The Government, therefore, encourages and supports regulatory measures that will assist with the overall introduction and deployment of agro-technology in The Bahamas.

Gender Equality

127. The Government is committed to advancing gender equality and the empowerment of women and girls through its ICT and ECS policy objectives. Across the globe, technology has played an important role in empowering women and girls and helped them to mobilise, collaborate and have a voice on important issues such as gender-based violence and discrimination. ICTs have also been able to connect women and girls across geographical divides to effectively address and respond to social concerns that impact them on a daily basis.

128. Through its policy objective for gender equality, the Government will promote and support better and inclusive access to ICTs for enhancing the academic, social and economic development of women and girls throughout The Bahamas. Universal, non-discriminatory, equitable and affordable access of women and girls to ICTs is central to

⁶⁴ Officially launched 7 February 2023.

ensuring their digital and social inclusion and participation in the development of The Bahamas. In recognition of this, it is the policy objective of the Government to ensure that women and girls throughout The Bahamas have access to gender-friendly and safe ICTs.

129. The Government notes that URCA, in keeping with the ITU's initiative, commenced the commemoration of International Girls in ICT Day in The Bahamas in 2015. This initiative quite fittingly introduced female students from across The Bahamas to potential ICT careers and in Science Technology Engineering and Mathematics (STEM). URCA is encouraged to continue with the Girls in ICT programme, and explore any similar initiatives to raise awareness and provide developmental opportunities to all Bahamians, irrespective of gender, that will inspire creativity, innovation and end poverty in The Bahamas.

EMERGING POLICY ISSUES

130. As the Government aspires to realise economic and social growth for The Bahamas and the people and residents of The Bahamas, it recognises that ICT and ECS policy objectives must proactively contemplate, to the extent possible, emerging issues in order to keep abreast with the rapid development of technology advancements. Because the technology landscape changes rapidly, it is impossible for the Government to formulate clear policies for emerging issues that may impact the ECS; however, the Government is committed to developing a consistent policy approach to the emergence of new technologies and trends as they emerge.

131. The Government considers that there are key emerging issues, including but are not limited to the following, which may impact or influence future regulatory measures and policy objectives in the short term:

- **Regulation of Over-the-Top (OTT) Services and Service Providers** – The Government is aware of the ongoing regional discussions at the CARICOM level and amongst regional regulators regarding the complex issues to effectively regulate OTT services such as WhatsApp, and service providers such as Meta, Tik Tok, Netflix, Amazon and Microsoft, throughout the Caribbean. While the Government supports a collaborative approach between all stakeholders to the issue of OTTs, as proffered

by the Secretary General of the Caribbean Telecommunications Union (CTU), the Government firmly believes that The Bahamas' policy and legal framework should be properly aligned with market developments. In this regard, any proposed regulatory policies must align with relevant Bahamian law and any future ECS policy objectives. URCA is therefore requested to continue to engage with its regulatory counterparts regarding OTTs, and to accordingly advise the Government.

- **Emerging Technologies** – In light of emerging technologies such as Artificial Intelligence (AI), Big Data, Distributed Ledger Technology (Block Chain) and Digital/Crypto Currency, and the Internet of Things (IoT), the Government and URCA are confronted with a key challenge of how best to protect citizens and residents of The Bahamas, ensure fair markets and enforce regulations, while simultaneously allowing these new technologies, services and service providers to flourish.
- **Cybersecurity⁶⁵: The Protection of Networks from Cyber Attacks** – Telecommunications networks are a vital component of the national infrastructure and play a key role in the economic and social development of The Bahamas. Robust telecommunications services and networks are also needed to manage national defence, disaster response and other emergency services. As The Bahamas embarks upon digital transformation, the security and resilience of the telecommunications infrastructure from cyber-attack become critical to our continued progress and national growth. Cyber-attacks can involve the theft or destruction of data/information; the theft of financial assets or services; or the destruction of network infrastructure. Such attacks can be directed at the Government, firms or private individuals and significantly disrupt communications services dependent on functioning communications networks. The Government will therefore support the development of a new generation of technologies and regulatory measures that protect against cyber-attacks and maintain a resilient telecommunications

⁶⁵ "Guide to Developing a National Cybersecurity Strategy", 2018 ITU defines "cybersecurity": the collection of tools, policies, guidelines, risk management approaches, actions, trainings, best practices, assurance and technologies that can be used to protect the availability, integrity and confidentiality of assets in the connected infrastructures pertaining to government, private organisations and citizens; these assets include connected computing devices, personnel, infrastructure, applications, services, telecommunications systems, and data in the cyber-environment.

infrastructure that provide secure, trustworthy and sustainable electronic communications services and networks in The Bahamas.

- **Legal and Regulatory Framework** – Technological advancements and market transformation over the recent years may have overtaken the existing legal and regulatory framework. This requires that the existing legal and regulatory framework may be in need of a comprehensive review. As ICTs continue to play a leading role in driving the social and economic growth and development of The Bahamas, the Government believes that the legal and regulatory framework must be revised, where necessary, to keep pace with the current technological landscape. The existing ECS legal and regulatory framework in The Bahamas was established in 2009, and there have been many changes in the technological and competitive space since then. Some of the notable changes include:
 - the convergence of ICT technologies;
 - increased ECS competition;
 - the advancement of mobile technology, enabling new services;
 - increased demand on bandwidth, and for higher Quality of Service (QoS) levels to enable new services/use cases;
 - challenges of cyber security;
 - migration from analogue to digital radio and TV broadcasting and its effect on the broadcasting market and radio spectrum; and
 - content regulation in an era of media convergence and new digital broadcasting platforms.

The assumption that ECS-related laws and regulatory measures can be slowly developed, passed, remain in force and substantively unchanged for an inordinate number of years is untenable. While some amendments were made to the legal and regulatory framework since 2009, having regard to above stated changes, the Government considers that a comprehensive review of the legal and regulatory framework is now necessary. The Government, in conjunction with URCA, will review the existing legal and regulatory framework to ensure that it remains relevant, responsive and applicable to the rapidly evolving technological advances and changes.

- **Capacity Building** – Transformation to a knowledge-based economy requires significant investment in the development of ICT skills. These skills are required to support innovation and the infrastructure that underpins a knowledge-based society. The Government is aware that proficiency in ICT in The Bahamas is still relatively low among ICT professionals and the general populace. This is especially the case for regulatory experience and expertise, and translates into a skills gap which in turn signposts untapped benefits that ICTs and the ECS could potentially deliver to the socio-economic development of The Bahamas. The Government and URCA will therefore continue to explore opportunities for capacity building within The Bahamas in all aspects of regulation (i.e. legal, technical and economics), through education, training and appropriate industry experience. The target pool will include both the internal resources of the Government and URCA related to the ECS, academia, as well as suitable resources available within the sector.

132. Having regard to the emerging policy issues, the Government believes that it is important to keep the ECS at the center of the national agenda, recognizing the role of ICTs as a critical pillar in national development and the attainment of social, economic and cultural growth of The Bahamas and people of The Bahamas.

DURATION

133. The dynamic characteristic of the ECS makes it imperative for this ECS Policy document to be reviewed on a regular and systematic basis in order to benefit from the rapid technological advances and changes.

134. Amendments to this ECS Policy may be made during its term in accordance with:

- (a) the Comms Act; or
- (b) a proposal by URCA and subject to the Minister's approval in accordance with the Comms Act in the case of unexpected changes of circumstances and/or to take account of technological advances and the evolution of the sector; or
- (c) international developments that may impact the ECS.

135. Subject to Section 123 above, this ECS Policy shall remain in effect until replaced in accordance with the process set out in the Comms Act.