



INTERNATIONAL TELECOMMUNICATION UNION  
TELECOMMUNICATION DEVELOPMENT BUREAU

**WORLD TELECOMMUNICATION DEVELOPMENT  
CONFERENCE (WTDC-98)**

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*For information*

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**PLENARY MEETING**

**Israel (State of)**

CONTRIBUTION TO THE WORLD TELECOMMUNICATION  
DEVELOPMENT CONFERENCE

RESPONSE OF THE STATE OF ISRAEL TO DOCUMENT 4  
("REPORT ON THE REGIONAL TELECOMMUNICATION DEVELOPMENT  
CONFERENCE FOR THE ARAB STATES [AR-RTDC-96])

**A General**

1 The State of Israel wishes to express its serious concern in relation to a number of points and issues raised in Document 4 (Report on the Regional Telecommunication Development Conference for the Arab States [AR-RTDC-96]); and, specifically, Resolution 4 of that document, entitled "Special Technical Assistance to the Palestinian Authority".

2 As is well known, Israel and the PLO are parties to the Interim Agreement on the West Bank and Gaza Strip of 28 September 1995 (herein, "the Interim Agreement"). The Interim Agreement sets out the agreed arrangements for the exercise of powers and responsibilities by the Palestinian side during a five-year interim period.

3 The Interim Agreement contains a lengthy section dealing with telecommunications, Article 36 of Appendix 1 to Annex III, hereto attached. In Sections B (1) and B (3) of Article 36, respectively, the two parties agreed as follows:

"Israel recognizes that the Palestinian side has the right to build and operate separate and independent communication systems and infrastructures including telecommunication networks, a television network, and a radio network."

....

"The Palestinian side has the right to establish its own telecommunications policies, systems and infrastructures. The Palestinian side also has the right to choose any and all kinds of communication systems (including broadcasting systems) and technologies, suitable for its future in, *inter alia* basic and value-added services (including cellular telephony).

4 It should be emphasized that the Interim Agreement provides a wide range of opportunities for growth and development in the field of telecommunications for the Palestinian side, which are further described in Article 36. Nonetheless, at present, the Palestinian side is permitted to undertake international communications (cable, wireless, broadcasting and satellite) exclusively through Israeli infrastructures.

5 The Interim Agreement provides a comprehensive and detailed framework for telecommunications development for the areas under Palestinian civilian control. It also provides for ongoing coordination and cooperation between the two parties, including the assignment of frequencies to the Palestinian side, through a Joint Technical Committee (JTC), which meets several times a year in order to address common issues. The Director General of the Israeli Ministry of Communications and the Deputy Minister of the Ministry of Posts and Telecommunications on the Palestinian side serve currently as co-Chairmen of the JTC.

6 Israel would like to emphasize that all of the current arrangements in the sphere of telecommunications have been agreed upon by the two parties with the framework of the Interim Agreement. Any attempt, by either party, to unilaterally alter this framework - or to invite international fora to act in a manner which would lead to such alteration - can only serve to undermine progress in the peace negotiations, both in the telecommunications sector and in general.

## **B Resolution 32 of the Kyoto Plenipotentiary Conference, 1994**

1 Development and enhancement of the existing telecommunications infrastructure for the Palestinian population in the West Bank and Gaza Strip was a justifiably important concern of the ITU during the Kyoto Plenipotentiary. Israel and five Arab Member States, in an unprecedented step, jointly sponsored Resolution 32, the declared aim of which was:

"... to explore and study the needs of the Palestinian Authority in order to improve the telecommunication infrastructure and identify where assistance is needed."

2 Israel has closely monitored the implementation of Resolution 32, although it was not included in the internal committee established to oversee the Resolution's implementation.

3 Based on the reports of the internal committee which Israel has received to date, it appears that progress has been made within the framework of Resolution 32 to fulfil the objectives mentioned above, in addition to the achievements reached under the cooperative Israeli-Palestinian regime established by the Interim Agreement.

## **C The Palestinian telecommunications network at present**

1 It is clear that the Palestinian Council has made good progress over the past several years in implementation of the powers and responsibilities transferred to it in the field of telecommunications. The Council has created an autonomous legal framework in telecommunications, established a Palestinian telecommunications operating company (Paltel), developed broadcasting facilities and begun the establishment of an independent telecommunications network.

2 In addition, as the result of intense negotiations which have taken place under the auspices of the Israeli-Palestinian JTC, an agreement establishing a Palestinian GSM system is close at hand. It should be noted that the agreement envisages close cooperation, including co-usage of spectrum, between the Palestinian GSM operator and the recently-named Israeli GSM operator.

**D Israel's position on central issues presented in Resolution 4 of Document 4 "Special technical assistance to the Palestinian Authority"**

Israel's position on the central issues raised in this document are well known. There are reiterated here briefly.

**1 International telephone access to areas under the civilian jurisdiction of the Palestinian Council**

There is no jurisdiction at present under ITU regulations for the implementation of a separate international country code to be utilized for the areas under Palestinian civilian control. Such implementation would also be incompatible with the provisions of Article 35 (D) (5) (c) of the Interim Agreement, which states that the introduction of an international code for the Palestinian side is subject to agreement between Israel and the Palestinians. It should be noted that the ITU has already taken the highly unusual step of setting aside an international country code for future Palestinian use, a step which Israel strongly opposes as prejudicing the outcome of current and future negotiations between the two parties.

**2 Notification of frequency assignments**

Where relevant, notification of frequency assignments for the territories in question shall continue to be communicated exclusively by Israel to the ITU. This practice is in complete conformity with both the ITU Administrative Regulations and the provisions of the Interim Agreement. Any step taken with regard to this matter, which does not conform with existing practice and without the express prior consent of Israel, would result in a double violation of both the ITU Administrative Regulations and the Interim Agreement. Again, such a step would also unfairly prejudice the outcome of negotiations between the two parties.

**3 Radio call signs**

The Interim Agreement does authorize separate radio call signs for the territories under Palestinian civilian control. Israel's position is that the ITU is not authorized to assign a radio call sign to the areas in question, until such time as the matter is resolved between Israel and the Palestinians. In addition, Israel reiterates its strong objection to the current unsanctioned use of illegal call signs from these areas.

**4 Request to alter the legal status of the Palestinian observer delegation in ITU fora**

The legal status of the PLO observer delegation in ITU fora is extremely well-defined in ITU Council Resolution 741, itself rooted in three UN General Assembly resolutions, which are applied in a consistent and unified manner throughout the UN system. The acceptance of an entity which is not a state would require, as a prerequisite, changes in these documents.

According to Article IX (5) of the Interim Agreement, the Palestinian Council (which replaced the Palestinian Authority) does not have powers and responsibilities in the sphere of foreign relations. Consequently, it cannot become a member of the ITU. Furthermore, Article XXXI (7) of the Interim Agreement stipulates that "Neither side shall initiate or take any step that will change the status of

the West Bank and Gaza Strip pending the outcome of the permanent status negotiations." Therefore, the PLO's status as observer in the ITU may not be upgraded, since such would imply a change in the status of the West Bank and the Gaza Strip.

It follows, then, that granting membership in the ITU to either the Palestinian Council or to the PLO would result in a serious breach of the Interim Agreement.

In addition, it is essential to remember that Article 2 of the ITU Constitution stipulates that only states may be members of the ITU.

## **E Conclusions**

1 Palestinian telecommunications development is taking place in a wide range of areas and services, due to effective cooperation between Israel and the Palestinians within the framework of the Interim Agreement; and with the technical assistance provided on an ongoing basis by the BDT in the framework of Resolution 32 of the ITU Plenipotentiary Conference (Kyoto, 1994).

2 The request made in Resolution 4 of Document 4 "to continue to give consideration" to the four above-mentioned topics is beyond the competence and authority of the ITU and its fora.

3 Consideration of any of these topics by the ITU is liable to prejudice the outcome of the bilateral negotiations between the parties, and therefore can only serve to undermine the Interim Agreement and prospects for progress in the peace progress.

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