

**PLENARY MEETING**

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## **Israel (State of)**

### **PROPOSALS FOR THE WORK OF THE CONFERENCE**

#### **Introduction**

Israel firmly believes that the International Telecommunication Regulations (ITRs), which have proved themselves as a very successful instrument in advancing the international telecommunications industry, must not be changed in such manner that their scope is broadened to include the Internet.

It is our strong belief that the existing global, transparent, multistakeholder, bottom-up model of Internet governance is effective and inclusive, and must remain in effect.

Recognizing the immense contribution of the Internet to economic growth and to human welfare, as well as to the promotion of free speech and human rights, Israel shares the concern of many, that the development of this invaluable asset may only be hindered if it is brought under governmental or intergovernmental regulation.

Hence, Israel's position is that any changes to the ITRs that could possibly affect the Internet (the way it is managed, its architecture, the free flow of information on the Internet, or any other aspect), must be avoided.

Israel will not support any proposals that may imply such changes. We believe that the ITRs should continue to address traditional telecommunications exclusively, and not be extended to apply to information technologies.

Israel sees great importance in ensuring child safety on the Internet. In that regard, we greatly appreciate and value ITU's Child Online Protection initiative, aimed to inform and educate users on how to use the Internet wisely and safely. At the same time, we believe that the way to promote Internet safety is indeed by promoting media literacy and empowering the users, and not by imposing legislation and regulation.

Israel also believes that in cases where regulatory involvement is needed, to ensure an open, safe and accessible service to the public, it should be established by local governments, in accordance with the local ecosystem. Intergovernmental arrangements are not the appropriate tools for such involvement.

To ensure the avoidance of adverse effects on the Internet, Israel proposes that the following set of principles is strictly adhered to in amending the ITRs:

**I. High-level principles:**

- *Focus on high-level principles.* The existing ITRs have proven successful and long-lasting due to their focus on high-level principles. Any revisions of the ITRs should focus on issues like promoting competition, privatization, as well as transparent, predictable, and independent local regulation, consistent with Guadalajara Resolution 171 that called for the ITR revisions in 2010. The current ITRs are concise -- about 13 pages long. Any change of the ITRs should retain the short and high-level document format. The ITRs should not direct the ITU Member States to any specific business or commercial models, technologies or regulatory approaches.
- *Principle of subsidiarity.* The ITRs should reflect the principle that any decision regarding the Internet should be taken at the lowest level of governance capable of addressing that matter effectively (e.g. national regulatory level).
- *Technological neutrality.* In order for the ITRs to have a lasting character, they should be technology neutral. Concretely, this means that specific problems that relate to peering, transit, routing, and other issues that arise as a result of contemporary technology, should be resolved through market mechanisms and the current multistakeholder system rather in the context of a binding treaty.

**II. On specific, substantive proposals and proposed new mandates:**

- *Voluntary recommendations, not mandatory standards.* Assure that standards adopted by the ITU-T are voluntary and recognize standards made through other multistakeholder organizations (e.g., Internet Engineering Task Force (IETF), World Wide Web Consortium (W3C), Institute of Electronics and Electrical Engineers (IEEE), etc).
- *No payment mandates.* Assure that no accounting, charging, settlement, billing, or other economic rules are imposed in the treaty, as such rules are already governed by private contracts and overseen by national regulatory authorities.
- *No architectural mandates.* Any architectural preference or mandate pertaining to the Internet must be avoided. Hence, we do not support any proposal to add text to the ITRs which may have bearings on the architecture of the Internet, e.g. proposals that address issues such as Internet routing, Internet service quality, or Internet numbering, naming and addressing.
- *Cybersecurity.* Cybersecurity is outside the purview of the ITU – as set out in Guadalajara Resolution 130, which excludes any reference in the ITRs to cybercrime and content regulation. We believe that any text in the ITRs related to security should be narrowly focused on international telecommunications networks, should not involve content or information security, should avoid topics related to law enforcement or national security, and should be fully consistent with Member State commitments under the UN Declaration on Human Rights. If national governments believe cybersecurity must be brought under the scope of the ITRs, ensure that no new cybersecurity proposals create mandatory rules and that the ITU is not asked to occupy any specific or unique role in the establishment of

cybersecurity standards, a role already carried out by other standard-setting bodies such as the IETF, W3C, and others. Hence, Israel does not support proposals to include the issue of cybersecurity in the ITRs.

- *Spam*. A number of proposals were submitted to include the issue of spam within the scope of the ITRs. Israel objects these proposals. While spam is a technical, economic and security challenge for many countries, it would be dangerous to extend the treaty into areas of content, potentially impacting free expression online. We believe such issues should be handled by state level regulations (which is what we did in Israel), and not as a binding treaty.
- *ITRs must not trump trade rules*. Secure the overarching principle that the ITRs shall not override any commitment made in the WTO, GATS or any trade agreement.

## ARTICLE 1

### Purpose and Scope of the Regulations

**MOD** ISR/28/1

**2** 1.1 a) These Regulations establish general principles which relate to the provision and operation of international telecommunication services offered to the public as well as to the underlying international telecommunication transport means used to provide such services. ~~They also set rules applicable to administrations\*.~~

**Reasons:** The revised ITRs should only set rules applicable to Member States, not to private companies. In addition – The scope of the ITRs must include and bind only ITU Members States. Furthermore, replacing the current term “Recognized Operating Agencies” with the term “Operating Agencies” throughout the ITRs, would broaden the scope of the treaty to a wide range of companies and services not currently covered by the regulations.

**MOD** ISR/28/2

**6** 1.4 References to ~~CCITT-ITU-T Recommendations and Instructions~~ in these Regulations are not to be taken as giving to those Recommendations ~~and Instructions~~ the same legal status as the Regulations.

**Reasons:** ITU-T Recommendations must remain voluntary. The term "Instructions" is obsolete.

**MOD** ISR/28/3

**9** 1.7 a) These Regulations recognize the right of any Member, subject to national law and should it decide to do so, to require that administrations and ~~private operating agencies~~ Recognized Operating Agencies, which operate in its territory and provide an international telecommunication service to the public, be authorized by that Member State.

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\* ~~– or recognized private operating agency(ies)~~

**Reasons:** In support of USA's proposed revision as well as the reason specified by USA: "Proposed revisions align the existing text with terms in CS/CV. This provision reiterates Member States' sovereign right to regulate its telecommunications as provided by the Preamble of the Union and the ITRs."

## ARTICLE 2

### Definitions

**NOC** ISR/28/4

**14** 2.1 *Telecommunication:* Any transmission, emission or reception of signs, signals, writing, images and sounds or intelligence of any nature by wire, radio, optical or other electromagnetic systems.

**Reasons:** Israel objects to any revision of the current definition in any way that may imply broadening the scope of the ITRs to include ICTs or the Internet. Being broad and technology-neutral, the current definition of "telecommunication" and "International Telecommunication" should remain unchanged. In addition, adding ICT (telecommunication/ICT) throughout the treaty could significantly broaden the scope of the treaty beyond international telecommunications networks could be understood to include IP networks, content, equipment, and services which would not be appropriate or even workable in the ITRs.

**NOC** ISR/28/5

**15** 2.2 *International telecommunication service:* The offering of a telecommunication capability between telecommunication offices or stations of any nature that are in or belong to different countries.

**Reasons:** Being broad and technology-neutral, the current definition should remain unchanged.

## ARTICLE 3

### International Network

**MOD** ISR/28/6

**29** 3.2 ~~Administrations\*~~ Member States shall endeavour to provide shall encourage the provision of sufficient telecommunication facilities to meet the ~~requirements of and~~ demand for international telecommunication services inter alia through the fostering of competitive and liberalised telecommunication markets.

**Reasons:** Competition in the provision of international telecommunications services has been a key driver in lowering network connectivity costs and expanding access worldwide. Israel believes that it would be useful to include concepts of competition and market liberalization in the updated treaty.

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