

Republican Decree on Law #38 of 1991 Pertaining to Wired and Wireless
Telecommunications as amended

Article (1)

Definitions

Article (2)

The State is the only agency represented by the Ministry of Communications (MC) - currently referred to as “Ministry of Telecommunications and Information Technology”- which is entitled to establish, operate, and maintain wired and wireless telecommunication centers on the territory of the Republic of Yemen and between it and other states. It is also entitled to authorize the same to the Public Telecommunications Corporation (PTC)- currently referred to as “Ministry of Telecommunications and Information Technology”- or any legal person without detriment to the principle of national sovereignty and bearing in mind the effective laws.

Article (3)

The MC or its authorized person/agency shall be in charge of securing telecommunications services within the territories of the Republic of Yemen, to and from Yemen, according to the capabilities available in this area. In order to achieve its authorization the MC shall:

- a) Establish telecommunication lines, including the transmission and reception of messages via circuits; and establish, lease and maintain the networks prepared for private use;
- b) Establish and operate wireless stations, including the earth satellite stations and wireless reception and transmission;
- c) Establish, operate, maintain, manage, and utilize telecommunication services as well as monitor all the employees in these services;
- f) License any natural or legal person in respect of importing, selling, and exporting the equipment, materials, and tools/devices relevant to telecommunication networks according to the agreed terms and against the specified sums in accordance with the effective laws;
- g) Specify, modify, and publish the telecommunication tariff, charges, and fees;
- h) License any person to establish, maintain, or use a telecommunication network within the territories of the Republic of Yemen;
- k) The Minister of MC may grant a license to any Ministry, department, governmental body or corporation, or private institution,

whether it is a natural or legal person; they are entitled to accept, send and receive messages. The Minister may also allow the licensed authorities to receive charges in accordance with the approved tariff;

- l) ii. The MC or its authorized agency, when carrying out the tasks authorized to it, shall be held responsible for operating the telecommunication services at the optimal scientific and economic levels.

Article (4)

The Minister of the MC may:

- a) Authorize some of the MC's powers, responsibilities, and duties to the PTC and waive to it the lands, buildings, and wired and wireless networks with their equipments;
- b) Contract any natural or legal person, Yemenis or non-Yemenis, to work in administrative assistance or to establish, operate, or maintain some telecommunication services invested in the territories of Yemen based on the MC's proposal with required justifications.

Article (5)

1. Except for the armed forces and security, the state Ministries and their institutions, agencies, authorities, and departments may not establish, maintain, use, import, manufacture, or export telecommunication networks equipments and tools, including space stations unless licensed by the Minister of the MC or his/her authorized person, provided no breach to the objectives of the PTC occurs. The customs authorities may not release any imported wired or wireless device unless they make sure of the license issued by the MC and verify that the device is in conformity with the license's data.
3. The Minister shall be entitled to request the licensed agencies, whether public or not, with the exception of the armed forces and security, to suspend the wireless transmission for a limited time in case of emergency until a further notice.
4. The wireless sets and devices used in planes and ships, within the territories of the Republic of Yemen, shall be subject to Yemeni laws regulating civil aviation and the international agreements approved by the State.
6. The diplomatic delegations in the Republic of Yemen may use wired or wireless equipment to secure their communications,

provided they have obtained a prior permission by the Government represented by the Minister of Foreign Affairs who shall address the matter with the MC, taking into account the public interest and the principle of reciprocity.

8. The MC is the agency in charge of implementing any obligation regarding telecommunications undertaken by the Government either as a member in an Arab, regional, or international organization or as a party to an Arab, regional or international agreement.

16. The Minister, in case of emergency and in other cases specified in the Law and after being permitted by the competent judicial authority, may monitor the messages via telecommunication circuits and convey the content of these messages to the agency legally entitled to have such monitoring conducted.

21. The licensed wireless equipment may not be used in any of the following purposes:

- b. Send, intentionally or as a trial, a false or delusive risk signal;
- c. Intentionally send signals, messages, or pictures that are contrary to Islamic legislation (*SHARIA*), public order, social norms, discipline, and state security and safety.

Article (12)

1. The MC, PTC, or their representative may:

a- Establish telecommunications networks either on the surface, under or through the ground; fix or hang on buildings the lines and devices of whatever kind; and modify, change and remove those networks and installations from all property and various roads, streets, paths, bridges, and all lands and estates of public use.

4. Attention shall be paid, upon planning and execution of the above-indicated tasks in this article, to the required procedures in accordance with the Appropriation Act and the public interest with no damage to the land owners or inhabitants. In case damage occurs, the MC, PTC, or their representative, shall fairly compensate the affected party for that damage. If there is a disagreement on the quantity of compensation, it shall be appraised by the agreement of the parties concerned or there will be recourse to the judicial authorities.

Article (13)

This Law shall enter into force with effect as from 23/10/1996.