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| **Plenipotentiary Conference (PP-22) Bucharest, 26 September – 14 October 2022** |  |
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| PLENARY MEETING | **Addendum 4 to Document 76-E** |
|  | **1 September 2022** |
|  | **Original: English** |
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| Member States of the Inter-American Telecommunication Commission (CITEL) | |
| IAP 04 - Proposed Draft New Resolution [IAP-1]: | |
| Use of frequency assignments by military radio installations for National Defence Services | |
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**Abstract**

The proposal contained in this contribution is meant to provide the necessary elements to facilitate a potential identification by a World Radiocommunication Conference of relevant provisions or regulatory mechanisms to support the invocation of Article 48 of the ITU Constitution in relation with the application of the Radio Regulations.

This contribution contains a proposal for the adoption of a new Plenipotentiary Resolution on the use of frequency assignments by military radio installations for national defence services and the invocation of Article 48 of the ITU Constitution to address difficulties identified by the Radio Regulations Board and WRC-19.

**Introduction**

In its Resolution 80 (Rev. WRC-07) report to the 2019 world radiocommunication conference (WRC-19) on issues affecting the fulfilment of the principles contained in Article 44 of the ITU Constitution (CS) and No. 0.3 of the Preamble of the Radio Regulations (RR), the Radio Regulations Board (hereafter referred to as the Board) considered concerns raised by some administrations’ application of CS Article 48. These concerns were relating to the invocation of CS Article 48 in response to investigations initiated by the Radiocommunication Bureau (BR) in application of some provisions of Article 13 of the RR on the maintenance of the Master International Frequency Register (MIFR). In response to this report of the Board, and the associated WRC-19 comments and discussions, WRC-19, in accordance with Article 21 of the ITU Convention, invited the 2022 Plenipotentiary Conference (PP-22) to consider the question of the invocation of CS Article 48 in relation to the Radio Regulations raised and take necessary actions, as appropriate.

This contribution from CITEL contains a proposal for a new Resolution for consideration by the PP-22 to address the WRC-19 request.

**Background and Discussion**

In its Report to WRC-19 on Resolution 80 (Rev. WRC-07), the Radio Regulation Board (RRB) identifies some concerns having been raised by some administrations regarding the appropriateness of other administrations’ use of CS Article 48.

These concerns are mainly of two types:

– the timing for invoking CS Article 48, following an inquiry from the Bureau under RR. No. 13.6 with the perceived objective to maintain the recording for frequency assignments in the MIFR and keep the associated rights without providing the clarification sought by the Bureau, and

– the reference to CS Article 48 for frequency assignments that are not used for military purposes.

More recently, CS Article 48 has been invoked in the context of the application of the coordination procedure making it impossible to obtain the relevant information required to facilitate technical discussions to find ways and means to prevent potential interference.

In both contexts and despite requests made by administrations, neither the BR nor the RRB are in the position to address the issues due to the absence of any specific procedures associated with the invocation of CS Article 48 in the Radio Regulations without infringing on the rights of administrations.

The RRB submitted a contribution to PP-22 (document [PP-22/63](https://www.itu.int/md/S22-PP-C-0063/en)) describing the cases considered that related to CS Article 48 and the need to clarify the invocation of the article in relation to the Radio Regulations to avoid abuse of its application. In its contribution, the RRB is seeking specific guidance from PP-22 that could be used to address cases under CS Article 48.

**Proposal**

CITEL proposes the adoption of a new PP-22 Resolution on the invocation of CS Article 48 to address the difficulties identified by WRC-19 and the RRB including:

- the implication from a Radio Regulation standpoint of the invocation of CS Article 48;

- the possibility for the RRB and the BR to seek clarification from the administration having invoked Article 48 of the Constitution when there is reliable information on the use of the frequency assignments by stations not part of installations of the National Defence services, and

- providing a mechanism for the World Radiocommunication Conference in 2023 to identify and develop any amendments to the Radio Regulations resulting from the implementation of the proposed new Resolution.

ADD IAP/76A4/1

Draft New Resolution [IAP-1]

Use of frequency assignments by military radio installations for National Defence Services

The Plenipotentiary Conference of the International Telecommunication Union (Bucharest, 2022),

considering

*a)* that the World Radiocommunication Conference (Sharm el-Sheik, 2019) in accordance with Article 21 of the ITU Convention, invited this Plenipotentiary Conference to consider the question of the invocation of Article 48 of the ITU Constitution in relation with the Radio Regulations and to take necessary actions, as appropriate;

*b)* that there is currently no specific provisions/procedures in the Radio Regulations relating to the invocation of Article 48 of the ITU Constitution for processing, recording and maintenance in the Master International Frequency Register of frequency assignments to stations that are part of installations for National Defence Services;

*c)* that government use of radio spectrum does not imply its use by military radio installations for national defence services,

recognizing

*a)* that the provisions of the ITU Constitution are further complemented by those of the Administrative Regulations, including the Radio Regulations;

*b)* that, as per §1 of Article 48 of the ITU Constitution, Member states retain their entire freedom with regard to military radio installations;

*c)* that, as per §2 of Article 48 of the ITU Constitution, these installations must, so far as possible, observe statutory provisions relative to the measures to be taken to prevent harmful interference;

*d)* that the rights for international recognition and protection of any frequency assignments are derived from the recording of those assignments in the Master International Frequency Register and conditioned by the provisions of the Radio Regulations,

resolves

1 that the right of administrations to invoke Article 48 of the ITU Constitution shall not be restricted;

2 that any invocation of Article 48 of the ITU Constitution by an administration shall be explicitly stated;

3 that, in case of an invocation of Article 48 of the ITU Constitution for frequency assignments to stations of space or terrestrial services, the following shall apply:

i) those frequency assignments for which Article 48 of the ITU Constitution has been invoked shall be part of military radio installations and used exclusively for National Defence Services;

ii) if it appears from reliable information available that a recorded assignment for which Article 48 of the ITU Constitution has been invoked is not compliant with *resolves* 3 i) above, the Radiocommunication Bureau and the Radio Regulations Board may seek clarification and take appropriate action based on the clarification provided;

4 that invocation of Article 48 of the ITU Constitution for recorded frequency assignments does not exempt those assignments from coordination obligations on an ongoing basis;

5 that frequency assignments to military radio installations for national defence services are entitled to protection from harmful interference only if recorded in the Master International Frequency Register,

instructs the Director of the Radiocommunication Bureau

1 to inform the notifying administration in each case of invocation of Article 48 of the ITU Constitution of the obligations associated with the use of such frequency assignments;

2 to take any appropriate actions for the implementation of this Resolution,

requests the 2023 world radiocommunication conference

to consider, in accordance with No. 119 of the ITU Convention, appropriate regulatory action necessary for the implementation of this Resolution.

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