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| **Agenda item: PL 2** | **Document C23/101-E** |
| **10 July 2023** |
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| Contribution from the Russian Federation |
| OBSERVATIONS ON THE MULTI-COUNTRY CONTRIBUTION FROM SPAIN AND 47 COSPONSORING MEMBER STATES CONTAINING A PROPOSAL ON THE UPDATE OF ITU COUNCIL RESOLUTION 1408 ON “ASSISTANCE AND SUPPORT TO UKRAINE FOR REBUILDING THEIR TELECOMMUNICATION SECTOR” |
| **Purpose** The Administration of the Russian Federation provides observations on the contribution from Spain and 47 cosponsoring Member States containing a proposal on the update of ITU Council Resolution 1408 on “Assistance and support to Ukraine for rebuilding their telecommunication sector” and proposes to arrange a drafting process on the Resolution with the support of the secretariat and a designated Chairman.**Action required by the Council**The Council is invited to **consider the observations** and **take actions as appropriate**.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**References**ITU statuary documents Council document [С23/92](https://www.itu.int/md/S23-CL-C-0092/en) |

**1 General information and rationale**

In accordance with ITU Constitution Article 1, para 1, subpara b) (No. 4) one of the Union’s purpose is to “to promote and to offer technical assistance to developing countries in the field of telecommunications, and also to promote the mobilization of the material, human and financial resources needed for its implementation, as well as access to information”.

At the same time ITU Constitution Article 1, para 2, subpara d) (No. 14) states that the Union, inter alia, should “foster international cooperation and solidarity in the delivery of technical assistance to the developing countries and the creation, development and improvement of telecommunication equipment and networks in developing countries by every means at its disposal, including through its participation in the relevant programmes of the United Nations and the use of its own resources, as appropriate”.

ITU Convention Article 33 para 7, subpara 1 (No. 486) states, that “The Secretary-General may, in agreement with the Coordination Committee, accept voluntary contributions in cash or kind, provided that the conditions attached to such voluntary contributions are consistent, as appropriate, with the purposes and programmes of the Union and with the programmes adopted by a conference and in conformity with the Financial Regulations, which shall contain special provisions for the acceptance and use of such voluntary contributions.”

According to Article 10 of the ITU Constitution:

– in the interval between Plenipotentiary Conferences, the Council as governing body of the Union acts on behalf of the Plenipotentiary Conference within the limits of the powers delegated to it by the latter (No. 68);

– the Council takes all steps to facilitate the implementation by the Member States of the provisions of the ITU Constitution, Convention and Administrative Regulations, of the decisions of the Plenipotentiary Conference, and, where appropriate, of the decisions of other conferences and meetings of the Union, and performs any duties assigned to it by the Plenipotentiary Conference (No. 69);

– the Council considers broad telecommunication policy issues in accordance with the guidelines given by the Plenipotentiary Conference to ensure that the Union's policies and strategy fully respond to changes in the telecommunication environment.

In March 2022 Council adopted its Resolution [ITU Council Resolution 1408](https://www.itu.int/md/S22-CL-C-0095/en) “Assistance and support to Ukraine for rebuilding their telecommunication sector”.

ITU Plenipotentiary conference 2022 did not delegate any powers to the Council to take any action on this Resolution, including the broadening its scope.

At the same time ITU Plenipotentiary conference 2022 did not delegate the Council any powers:

1 to determine the legal status of relations between the ITU’s Member States,

2 to consider the status of any ITU Member State as one being or not being a credible partner for ITU activities and a promoter of its values,

3 to consider any Member State’s actions as unjustified or standing in clear contradiction to the fundamental principles of the ITU constitution and ITU’s mission and to make direct accusations of any ITU Member State or any action taken by any ITU Member State.

Proceeding from the ITU’s mandate settled in the Union’s statuary documents the purpose of Resolution 1408 is not to define the nature of relations between the Union’s Member States, it is about helping and supporting the Union’s specific Member State in rebuilding its telecommunications sector, and that ITU, as the UN specialized agency in the field of telecommunications/ICTs, does not have the authority to determine the legal status of relations between its Member States, to determine the any status of any Member State, to assess the actions taken any Member State or to assault any Member States of actions in the area laying aside from the Union’s mandate.

**2 Proposals**

Having studied the contribution from Spain and 47 cosponsoring Member States containing a proposal on the update of ITU Council Resolution 1408 on “Assistance and support to Ukraine for rebuilding their telecommunication sector” (Council document [С23/92](https://www.itu.int/md/S23-CL-C-0092/en)), the Administration of the Russian Federation proposes:

1 to keep the discussions on the matter strictly in line with the Council mandate,

2 to revise the several textual proposals provided in the document [С23/92](https://www.itu.int/md/S23-CL-C-0092/en) pursuant to the considerations given in the part 1 “General information and rationale” above and in a way as in the draft revision provided in the Annex to this contribution,

3 to arrange a drafting process on the Resolution with the support of the secretariat and a designated Chairman.

RESOLUTION 1408

Assistance and support to Ukraine for rebuilding their
telecommunication sector

The ITU Council,

 recalling

1. the noble principles, purpose and objectives enshrined in the Charter of the United Nations and in the Universal Declaration of Human Rights, as well as in the Declaration of Principles adopted by the World Summit on the Information Society;
2. the efforts of the United Nations to promote sustainable development;
3. the purposes of the Union as enshrined in Article 1 of the ITU Constitution, Convention, and Administrative Regulations of the ITU and the underlying principles that motivate these purposes and the Union,

recalling further

1. United Nations General Assembly Resolution [A/RES/ES-11/1](https://digitallibrary.un.org/record/3965290?ln=es) of 2 March 2022 on Aggression Against Ukraine, that deplores in the strongest terms the aggression by the Russian Federation against Ukraine in violation of Article 2 (4) of the Charter and urges international organizations to support the de-escalation of the current situation;
2. 2018 ITU Plenipotentiary Conference Resolution 34, on Assistance and support to countries in special need for rebuilding their telecommunication sector;
3. the United Nations General Assembly Resolution [68/262](https://digitallibrary.un.org/record/3965290?ln=es) of 27 March 2014 entitled “Territorial integrity of Ukraine”;
4. Resolution 205 (REV.WRC-19) of the World Radiocommunication Conference on protection of systems operating in the mobile satellite service in the frequency band 406-406.1 MHz;
5. The ITU Interim Assessment on Damages to Telecommunications Infrastructure and Resilience of the ICT Ecosystem in Ukraine (December 2022);
6. The statement by the ITU Secretary-General on the ITU Plenipotentiary Conference 2014 (document PP14/174, Annex B) and statement by the ITU Secretary-General in the ITU Operational Bulletin No. 1158 of 15.10.2018;
7. Resolution 88 (Kigali, 2022) of the World Telecommunication Development Conference on the ITU Partner2Connect Digital Coalition;
8. Resolution 25 (Rev. Bucharest, 2022) of the Plenipotentiary Conference, on strengthening the ITU regional presence,

reaffirming

*a)* the sovereignty, independence, unity, and territorial integrity of Ukraine within its internationally recognized borders, extending to its territorial waters;

*b)* that a reliable telecommunication network is indispensable for promoting the socio-economic development of countries, in particular those having suffered from natural disasters, domestic conflicts or war;

*c)* that, under the current conditions and in the foreseeable future, Ukraine will need assistance to recover its telecommunications sector in general and infrastructure in particular to an acceptable level, which requires the assistance of the international community, provided bilaterally, regionally, or through international organizations,

reiterating the ITU commitment

To “promote the adoption of measures for ensuring the safety of life through the cooperation of telecommunication services”,

expressing grave concern

*a)* over the devastating impact that the war against Ukraine has on the operation of telecommunication facilities and services in Ukraine, including widespread destruction of critical infrastructure, and on the exercise of Ukraine’s sovereign right to regulate telecommunications within its territory;

*c)* over the illegal seizure and subsequent misuse of Ukrainian telecommunication networks, ICT resources and radiofrequency spectrum in the temporarily occupied territories of Ukraine;

*d)* over the increase of the number of unauthorized emissions from the temporarily occupied territories of Ukraine, , that cause harmful interference to the reception of satellite emergency position-indicating radio beacons signals in mobile-satellite service used for search and rescue activities,

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decides

to strongly condemn all the cases of the fundamental principles of the Constitution, Convention and Administrative Regulations of the ITU, including the sovereign right of each ITU member state to regulate its telecommunications within its internationally recognized borders,

resolves to instruct the Directors of the three Bureaux

1. to provide and present detailed regular reports assessing Ukraine’s immediate, medium- and long-term ICT reconstruction needs at subsequent Council meetings and future ITU conferences, until the end of the conflict on the territory of Ukraine within its internationally recognized borders, and until the reconstruction of the telecommunication and media infrastructure in those areas that suffered is complete, and to prepare proposals for effective technical assistance;
2. to provide assistance and full support to Ukraine for rebuilding its damaged and destroyed telecommunications and television infrastructure, supporting the ICT/telecommunications, and promoting digitalization for recovery and sustainable development;
3. to review and prevent publication of information in any ITU documents regarding the assignment of frequencies or National Destination Code (NDC) under the country code for the temporarily occupied territories of Ukraine, submitted by any other countries;
4. to ensure adequate financial and human resources mobilization, including under the internal budget and the Information and Communication Technology Development Fund, for the implementation of the proposed actions;
5. to continue using the Partner2Conect mechanism, collecting pledges and commitments of stakeholders, as well as providing voluntary contributions to ITU for these purposes in accordance with Article 3 of the Convention ( clauses 486, 487),

instructs the Secretary-General

to coordinate the activities carried out by the three Sectors of the Union in accordance with resolves above, to ensure that the Union's action in favour of Ukraine is as effective as possible,

invites Member States

1 to support the Government of Ukraine on a bilateral level or in coordination with the Union, as indicated above;

2 to respond to the call for pledges under Partner2Connect Initiative;

3 to provide financial contribution to the Special Fund and voluntary contributions to ITU for these purposes in accordance with Article 3 of the Convention ( clauses 486, 487);

4 to cooperate in the direction of implementation of infrastructure projects in order to rebuild the telecommunications sector of Ukraine and improve Connectivity.

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