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| **Radiocommunication Advisory Group Geneva, 6-9 April 2020** | C:\Users\murphy\AppData\Local\Temp\Temp1_ITU logo Entire package.zip\jpg\ITU official logo_blue_RGB.jpg | |
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|  | | **Document RAG20/7-E** |
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| Collection of course of actions decided by previous WRCs included in their Plenary Meetings | | |

During WRC-12 and WRC-15, based on the requests/invitations made by various committees, it was agreed that certain follow-up actions be taken by administrations and /or the Radiocommunication Bureau based on the decisions made by these WRCs as recorded/included in the minutes of plenaries of these WRCs.

These actions were/are of two different categories:

1) Category 1

Certain actions to be taken by the Bureau not strictly having regulatory nature but some administrative nature providing specific facilities to administrations in application of the Radio Regulations such as preparing draft Rules of Procedure for submission to RRB or preparing a new software or modifying existing software for curtaining specific cases.

2) Category 2

Certain actions to be taken by the Bureau having purely regulatory nature providing administrations with specific clarifications /description on how certain regulatory provisions should be applied by administrations and or/by the Bureau in application of the Radio Regulations such as those to be followed by implementing certain provisions of the Radio Regulations.

The above materials were included in Circular-Letter of “CR” category and published by the Bureau few months after the end of WRC-12 and WRC-15.

Preliminary search effected by this administration reveals that no such Circular-Letter (CR category) were published by the Bureau containing similar or identical decisions made by WRCs before that of 2012.

The extent to which the above practice has been used is unfortunately considerably increased in such a manner that the “CR” Circular-Letter of WRC-12 (CR/333, dated 02 May 2012) was only 3 pages and that of WRC-15 (CR/389 dated 29 January 2016) was 12 pages.

Similar course of actions was adopted at WRC-19 and the number of pages and its content yet to be published (at the date of writing this contribution). Perhaps it may be more than 12 pages.

From legal point of view the second category which were/are of purely regulatory nature and have treaty values, should have been included in the main body of the relevant provisions of the Radio Regulations or in footnotes to those relevant provisions. Efforts were made by some administrations to minimize the inclusion of category 2 in the minutes of plenary of WRC-19.

Due to prevailing atmosphere and environmental situation of WRC-19 it was not possible to totally eliminate the inclusion of category 2 in the minutes of plenary.

In the past, some administrations raised the question of the status of the second category of having identical treaty value as the actual provisions of the Radio Regulations. However, there was a legal opinion by the Legal Unit of the general secretariat indicating that such category of minutes of plenary bears identical values/status as the actual provisions of the Radio Regulations but such claim/statement was never submitted to any WRC for consideration and decision to confirm or otherwise the expressed legal opinion.

Origin/concept based on which category 2 was included in the minutes of plenary of certain WRCs. The practice was first used by Plenipotentiary Conference with different arguments/objectives and different justifications. At those Plenipotentiary Conferences, whenever, there was proposal to modify certain Articles/Clauses of ITU Constitution and/or of ITU Convention, taking into account that Articles/Clauses of ITU Constitution and ITU Convention are the basic instruments of the Union and should normally have relatively Stable Nature, it was decided by those Plenipotentiary Conferences **not** to modify those relevant Articles/Clauses of ITU Constitution and ITU Convention but instead include the understanding of those Articles/Clauses of ITU Constitution and ITU Convention in the minutes of Plenary of those Plenipotentiary Conferences to maintain and preserve the relative stability of those basic instruments due to the fact that such preservation of relative stability was agreed and confirmed by Plenipotentiaries attending those Conferences which are not the case for WRCs and its outcome which are the Radio Regulations.

Publication of WRC-19 decision which was included in the minutes of plenary meeting:

– It is expected that once all corresponding minutes of plenary meeting are formally available, the Bureau would publish them in a “CR” category Circular-Letter.

Other decision of previous WRCs that was held before 2012 together with Bureau’s statement thereto:

– Review of minutes of previous WRCs that was held before 2012 reveals that similar course of action but with lesser amount was taken by those WRCs on which there were also Bureau’s statements on its understanding on how those decisions were expected to be implemented.

– It is therefore beneficial that those decisions and the associated Bureau’s statement be also made available in a formal manner to administrations.

Bureau’s practice

Pursuant to provisions13.12A *b)* of Article 13 of the Radio Regulations:

***Quote***

*“b) any practice used by the Bureau in the application of the provisions of the Radio Regulations shall be identified and proposed for inclusion in the Rules of Procedure in accordance with the procedures of this section;”*

***Unquote***

It is necessary the Bureau formally informs administrations of the actions being taken in this regard.

Publication of a consolidated of all these decisions included in the minutes of plenary since WRC-95 in some sort of publication

In order to have an overall picture of all these decisions included in the minutes of plenaries of previous WRCs since 1995, it is necessary to consolidate all these decisions included in the minutes of plenaries since WRC-95, in some sort of publication properly labelled e.g. “consolidated decisions of previous WRCs decisions included in the minutes of plenaries of WRCs held since 1995.”or with other appellation(s).

Bureau’s Report on the implementation of the above-mentioned Decisions and Bureau’s practice

As a matter of transparency and clarity, it is necessary that the Bureau formally inform administrations on the status of the implementation of these decisions and Bureau’s practices.

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