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| **Plenipotentiary Conference (PP-22) Bucharest, 26 September – 14 October 2022** |  |
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| PLENARY MEETING | **Addendum 15 to Document 68-E** |
|  | **18 August 2022** |
|  | **Original: Russian** |
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| ITU Member States, members of the Regional Commonwealth in the field of Communications (RCC) | |
| draft new resolution [article 48 of the itu constitution] | |
| use of frequency assignments for military radio installations | |
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| Summary  Under agenda item 9.3 of the World Radiocommunication Conference 2019 (WRC-19), WRC-19 received Document 15 from the Radio Regulations Board (RRB), containing the report by the Radio Regulations Board on Resolution 80 (Rev.WRC-07). The report summarized the Board's activity in relation to Resolution 80 (Rev.WRC-07), on due diligence in applying the principles embodied in the constitution. In its report to WRC‑19, the Board provided an update to the report to WRC-15, focusing on its efforts to address issues that the Board and the ITU Radiocommunication Bureau have faced since WRC-15 affecting fulfilment of the principles contained in Article 44 of the ITU Constitution and No. 0.3 of the Preamble to the Radio Regulations.  The Board's report notes, in particular, the following: "the Board considered concerns raised by some administrations regarding the appropriateness of other administrations' application of Article 48 of the Constitution. The alleged cases of non-compliance with CS Article 48 that were presented to the Board were summarized as follows:  – Administrations invoking CS Article 48 after the Bureau has launched an investigation under RR No. 13.6 as a means to prevent its application and retain rights in the Master International Frequency Register.  – Administrations invoking CS Article 48 for frequency assignments that are not used for military purposes." |

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| In response to the content of the Board's report, WRC-19 received several contributions from administrations that included various actions to be considered by WRC-19 to address the concerns raised by administrations, however it was understood that none of these various actions could be implemented without specific instruction from a Plenipotentiary Conference to a WRC to do so.  Taking into account the report of the Board on Resolution 80 (Rev.WRC-07), and the contributions and comments at WRC-19 in relation to the report, WRC-19, in accordance with Article 21 of the ITU Convention, invites the Plenipotentiary Conference (Bucharest, 2022) to consider the question of the invocation of Article 48 of the Constitution in relation to the Radio Regulations raised at WRC‑19 and take necessary actions, as appropriate.  In addition to this result, WRC-19 instructed the Bureau to continue the current practice of responding to specific requests from administrations related to the status of individual satellite networks, including an indication of whether Article 48 of the Constitution has been invoked for a satellite network.  Action required  The RCC member Administrations believe it is important to consider the issue of the unambiguous interpretation of the enforcement practice of the Radiocommunication Bureau when administrations refer to Article 48 of the Constitution when notifying frequency assignments and believe that Member States must take a decision at this Plenipotentiary Conference on the unambiguous interpretation of Article 48 of the Constitution and the enforcement practice of the Bureau when implementing the provisions. The RCC member Administrations consider that the question of the interpretation of provisions of the Constitution is solely the prerogative of the Plenipotentiary Conference and should not, therefore, be referred to the World Radiocommunication Conference or other ITU bodies.  Given the importance of the issue, which affects the rights of States with respect to the use of military installations, the RCC member Administrations propose to consider the draft new Resolution [Article 48 of the ITU Constitution] on the use of frequency assignments for military radio installations with a view to a decision at the Plenipotentiary Conference.  \_\_\_\_\_\_\_\_\_\_\_\_  References  *-* |

ADD RCC/68A15/1

Draft New Resolution [RCC-1]

Use of frequency assignments for military radio installations

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

reaffirming

*a)* that Member States retain their entire freedom with regard to military radio installations, as stipulated in Article 48 of the ITU Constitution;

*b)* that, under Article 48 of the Constitution, Member States retain their entire freedom with regard to military radio installations, reflecting the long-standing practice of States with respect to the management of the use of international telecommunications;

*c)* that, under Article 6 of the Constitution, Member States are bound to abide by the provisions of the Constitution, the ITU Convention and the Administrative Regulations in all telecommunication offices and stations established or operated by them which engage in international services or which are capable of causing harmful interference to radio services of other countries, except in regard to services exempted from these obligations in accordance with Article 48 of the Constitution,

noting

*a)* that Member States invoke Article 48 of the Constitution with respect to frequency assignments to both satellite and terrestrial services;

*b)* that Article 48 of the Constitution applies to military radio installations and not to stations used for governmental purposes in general,

resolves

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

2 that Member States invoking Article 48 of the Constitution for a frequency assignment shall retain their entire freedom only with regard to military radio installations using the given frequency assignment and shall be bound to use that frequency assignment solely for military radio installations;

3 that, if a frequency assignment for which Article 48 of the Constitution has been invoked is used not for military radio installations, all relevant provisions of the Radio Regulations shall apply to the frequency assignment;

4 that the mere invoking of Article 48 of the Constitution by a Member State shall not provide international recognition or protection for any frequency assignment not recorded in the Master International Frequency Register,

instructs the Secretary-General

1 to bring this resolution to the attention of the 2023 world radiocommunication conference;

2 to report to the next plenipotentiary conference on the progress made in implementing this resolution.

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