



COVERSHEET

Minister	Hon Dr David Clark	Portfolio	Digital Economy and Communications
Title of Cabinet paper	International Telecommunication Union Plenipotentiary 2022 Conference: Negotiation Positions	Date to be published	2 November 2022

List of documents that have been proactively released

Date	Title	Author
September 2022	International Telecommunication Union Plenipotentiary 2022 Conference: Negotiation Positions	Minister for the Digital Economy and Communications
14 September 2022	International Telecommunication Union Plenipotentiary 2022 Conference: Negotiation Positions DEV-22-MIN-0214 Minute	Cabinet Office

Information redacted

YES

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Some information has been withheld for the reasons of National safety and security, and Negotiations.

Security classification – Restricted

Office of the Minister for the Digital Economy and Communications

Chair, Cabinet Economic Development Committee

**International Telecommunication Union Plenipotentiary 2022
Conference: Negotiation positions**

Proposal

1. To seek Cabinet's approval to the negotiating positions to be taken by New Zealand at the International Telecommunications Union (ITU) Plenipotentiary 2022 (PP-22) to be held in Bucharest, Romania, from 26 September to 14 October 2022.

Relation to government priorities

2. A Cabinet mandate is required to participate in the PP-22 negotiations and signing of Final Acts because they are a treaty action.
3. New Zealand's participation at the ITU Plenipotentiary Conference aligns with the Government priority of 'laying the foundations for the future' and with New Zealand's national security objective of 'protecting lines of communication'.

Executive Summary

4. The ITU is a specialised agency of the United Nations. It has responsibility for information and communications technologies. This involves promoting global cooperation for the improvement of telecommunications, coordinating radio spectrum use, standardising technology, and encouraging technical assistance for developing countries. The ITU's supreme body is the four-yearly Plenipotentiary (PP) Conference. The PP is where member states, including New Zealand meet to:
 - discuss relevant proposals put forward by member states,
 - set the ITU's work programme and budget,
 - elect officials and councils, including the Secretary-General, and
 - review the treaty texts; ITU Constitution and Convention, International Telecommunications Regulations and Radiocommunication Regulations.
5. The next Plenipotentiary (PP-22) is to be held in Bucharest, Romania, from 26 September to 14 October 2022. The New Zealand delegation will be comprised of officials from the Ministry of Business, Innovation and Employment (MBIE), the Department of the Prime Minister and Cabinet (National Cyber Policy Office

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(NCPO)), and InternetNZ.¹ MBIE will attend in person while NCPO and InternetNZ will attend virtually.

6. New Zealand has an ongoing interest in ITU issues, including spectrum allocations for satellites, spectrum allocations for 5G networks and the evolution towards 6G. All of which are core business activities for the ITU.
7. New Zealand also has an interest in the ITU from an internet governance perspective. New Zealand has an interest in maintaining an open, free and secure internet and considers the multistakeholder model to be an essential component of internet governance.


8. National security or defence



9.

10. Cabinet approval is required for the positions that the New Zealand delegation will take on various issues during the PP-22. The key issues and positions are:

Negotiations




- **Improve gender neutral language:** New Zealand supports the ITU adopting and implementing the use of gender neutral language.

¹ InternetNZ is a non-for profit organisation, its primary role is to be the manager of the .nz top level domain, which allows websites and email address to have a New Zealand address.

- **Agree to forward budget:** New Zealand continues to contribute to the ITU at current levels (636,000 Swiss Francs, which is approximately \$1,020,000 NZD depending on the exchange rate), and aims to ensure a prudent and sustainable budget of the next four years.

Background – The International Telecommunications Union

11. New Zealand has been a Member of the ITU (and its predecessors) since 1878 and is one of 193 member states. MBIE, NCPO and industry, actively participate in the ITU's work programmes.
12. New Zealand has an ongoing and direct interest in ITU issues, including spectrum allocations for satellites, spectrum allocations for 5G networks and the evolution towards 6G.
13. New Zealand views the multistakeholder model as a cornerstone of a free, open and secure internet. National security or defence

14. The ITU Plenipotentiary Conference is the high-level administrative meeting of the ITU and is held every four years. During these conferences, participating countries discuss whether any amendments need to be made to the ITU Constitution or Convention, vote to elect the Secretary General and other officials of the ITU, and set the overall priorities for the ITU work programme for the coming four years.
15. The ITU Plenipotentiary (PP-22) will be held in Bucharest, Romania from 26 September to 14 October 2022. MBIE will attend in person while NCPO and InternetNZ will attend virtually.
16. Decisions at the ITU are normally reached by consensus between all ITU members at the Conference. Should consensus not be reached by the conference, a vote will be held. For most matters (apart from elected positions), consensus is the preferred method and typically voting is highly discouraged by the conference.
17. In preparation for the ITU conferences, member states attend regional groups to discuss any changes to the treaty and new or proposed regional resolutions to take to the ITU. New Zealand's regional group is the Asia Pacific Telecommunity (APT). Member states also have the option to develop their own resolutions or develop multi-country resolutions outside of regional groupings.
18. Cabinet mandate is required for the New Zealand delegation to the PP-22 because PP-22 may consider proposals to change the ITU Constitution and Convention, and related texts, which are treaties in themselves. Any Conference decisions to amend the ITU Convention are subject to ratification domestically.

19. Background on treaty text, key issues and the proposed New Zealand position are outlined below.

Treaty texts

20. There are three broad areas of the ITU treaty:
- a. Constitution and Convention: These are the basic Treaty Texts of the ITU and, despite previous work to restructure the current instruments, it is unlikely that any specific Treaty text changes will emerge at the PP-22. A number of Regional Groups have already proposed no changes to these texts. New Zealand is supportive of retaining the Treaty instruments as they currently stand
 - b. The International Telecommunication Regulations (ITRs): These are ITU instruments which support and facilitate international telecommunications interoperability, globally. These are annexed to the Treaty and were last revised in 2012. National security or defence
New Zealand did not agree with the 2012 revision and did not sign the Final Acts of the relevant Conference.
 - c. Radiocommunications Regulations: The Radiocommunication Regulations are part of the regulatory framework used to manage the radio frequency spectrum. These are also annexed to the Treaty but are subject to a rolling four-year review. This process is working well and allows these complex regulations to keep up with the evolving need for new radiocommunication services. No difficulties are envisaged at the PP-22 in regard to these regulations as they are reviewed and revised on their own track through the World Radiocommunications Conference, outside of the ITU Plenipotentiary Conference.
21. I do not expect there to be any direct changes in treaty text that will follow from PP-22. However, resolutions or amendments to resolutions, may change the functional obligations of the ITU.

Issue 1: Radio Spectrum - Article 48 of the Constitution

Summary of Proposal

22. The proposal is to review and if the PP-22 decides, to amend Article 48 of the Constitution (CS 48) which provides member states some special allowances for National Defence purposes when undertaking radio spectrum management coordination.

Context

23. National security or defence

24. The deadline for proposals for changes to amend the ITU Constitution and Convention was January 2022 and no member states submitted proposals for amending CS 48. National security or defence

[Redacted]

25. The APT has considered the matter and has developed a preliminary regional view that the PP-22 should provide additional guidance around the invocation of CS 48, with no changes to CS 48 itself.

26. Officials are also aware of proposals from other regions, such as Europe, which are considering bringing the similar position of a review of the invocation process of CS 48.

27. Negotiations

[Redacted]

Negotiations

[Redacted]

Issue 2: Internet Governance and Cyber Security

Summary of Issue

30. National security or defence

[Redacted]

31.

Context

32. Internet governance is the development and application by governments, private sector, and civil society, in their respective roles, of shared principles, norms, rules, decision-making procedures and programmes that shape the evolution and use of the Internet. In other words, internet governance is an umbrella term that covers a broad range of topics to do with how the internet is developed, used and managed.

33. New Zealand is a proponent of the multistakeholder system of internet governance.

- 34. The multistakeholder system of internet governance is a decentralised governance model. It places individuals, industry, non-commercial interests and governments on an equal level and allows for community-based policymaking.
- 35. The multistakeholder model recognises that all stakeholders have a valuable contribution to make to internet governance discussions and decisions. It is a proven model for responding to complex policy and technical challenges associated with the development of the internet. This approach, by design, prevents any group (including states) from exerting undue influence over the internet.
- 36. The technical bodies and standards that the New Zealand Government engages in at the ITU intersect with broader debates on internet governance. Technical standards bodies have played a central role in holding the internet together as a single, global network which enables technological innovation. These standards have underpinned the delivery of an open, secure, free internet. National security or defence

[Redacted]

37. National security or defence

[Redacted]

38. Negotiations

[Redacted]

Management of the Domain Name System

39. The Internet Corporation for Assigned Names and Numbers (ICANN) is a multi-stakeholder forum responsible for managing and coordinating the Domain Name System (DNS) to ensure that every address is unique and that all users of the Internet can find valid addresses. It does this by overseeing the distribution of unique IP addresses and domain names. It does not run the system, rather it coordinates with regional organisations that distribute IP addresses.

40. National security or defence

[Redacted]

41.

[Redacted]

National security or defence



Cyber Security

46. The existing key cyber-security texts in Resolution 130 and Resolution 174 are again likely to be debated.
47. *Resolution 130* defines the role of ITU in building confidence and security in the use of information and communication technologies.
48. *Resolution 174* addresses the ITU's role with regard to international public policy issues relating to the risk of illicit use of information and telecommunication technologies.

49. Negotiations



Issue 3: Gender inclusive language

Summary of Proposal

52. This proposal is to amend the language used in the ITU to be gender neutral.
53. New Zealand, jointly with Australia, has in the past year worked within the APT process to get the APT to update its language use to become gender neutral. Europe is also planning a similar proposal to the PP-22.

Proposed New Zealand position

54. I propose New Zealand supports the changes to gender neutral language in the ITU, based on the UN guidelines for gender neutral language.

Issue 5: The ITU Forward Budget

55. PP-22 will establish the ITU forward budgets and seek to confirm Member state contributions for the 2022 to 2026 period.

Context

56. New Zealand currently contributes two contribution units to the ITU every year (636,000 Swiss Francs, which is approximately \$1,020,000 depending on the exchange rate), drawn from VOTE Business Science and Innovation. It is important to New Zealand that the ITU remain a well-funded and effective organisation. As a small market and a technology taker, New Zealand relies on the ITU to coordinate the development of new communications technologies. The ITU's role in improving global telecommunication networks also aids New Zealand by connecting us to new markets.
57. New Zealand has at previous PPs argued for the ITU to have efficient and sustainable budgets. The ITU forward budget should reflect the core work that ITU undertakes.

Proposed New Zealand position

58. I propose New Zealand supports a balanced and sustainable forward-budget for the ITU for the 2022 to 2026 period. I also propose that New Zealand maintains its two-unit budgetary contribution to the ITU.

Elections for ITU positions

59. Elections to appoint a number of positions within the ITU for the 2022 to 2026 term are scheduled to take place during PP-22, including electing a new Secretary-General.
60. The Secretary-General of the ITU is responsible for the overall management of the ITU and acts as its legal representative. The incumbent, Chinese national Houlin Zhao, is nearing the end of his second and final, four-year term.
61. There are two candidates for Secretary-General: Ms Doreen Bogdan-Martin of the United States of America (USA) and Mr Rashid Ismailov of Russia.
62. Elections for the Heads of UN agencies (such as the ITU), along with those for the Security Council and Human Rights Council, are the most consequential in the UN system. As such, the Minister of Foreign Affairs' decision on how New Zealand should vote was sought.
63. National security or defence
64. Decisions on New Zealand's votes for all other positions at the PP-22 will be made jointly by MFAT and MBIE.

Other matters

Delegation of authority to make decisions on new issues that arise at PP-22

65. It is possible that issues with treaty implications beyond the scope of the positions outlined above may arise during the PP-22. For example, officials are aware of some proposals on space policy being considered by member states or regional groups, yet it is unclear at this stage if these will be brought to PP-22 or not, as proponents may decide not to progress resolutions.
66. The APT has also agreed to an amendment on Child Online Protection. Officials consider this amendment to be minor and likely not a point of contention at PP-22. For any reason this changes the delegation will consult with the Child Online Protection team at the Department of Internal Affairs.
67. To accommodate this, given the time-limited nature of PP-22, I am seeking delegation of authority from Cabinet to enable New Zealand to vote on any matters that may arise in a timely fashion.

Outcome of PP will be binding on New Zealand

68. The proposals that are agreed by the PP are known as the Final Acts.
69. The New Zealand delegation will brief me in my capacity as the Minister for the Digital Economy and Communications on 10 October 2022 to advise if the Final Acts are consistent with the positions agreed by Cabinet. In the event that existing

resolutions or texts do change in a way that is inconsistent with New Zealand's position, MBIE will confer with MFAT and partner countries to provide further advice directly to my Office. In this instance, my agreement as the Minister for the Digital Economy and Communications will be sought on whether the Final Acts of the PP-22 should be signed or whether a reservation should be lodged.

Financial Implications

70. There are no financial implications from the proposals in this paper.

Legislative Implications

71. There are no legislative implications from the proposals in this paper.

Impact Analysis

Regulatory Impact Statement

72. A Regulatory Impact Statement is not required as there are no legislative implications arising from this paper.

Climate Implications of Policy Assessment

73. A Climate Implications of Policy Assessment (CIPA) is not required for the proposals in this paper.

Population Implications

74. There are no population implications from the proposals in this paper.

Human Rights

75. The proposals in this paper are consistent with the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993.

Consultation


76. MFAT and the National Cyber Policy Office have been consulted on this paper. The Department of Prime Minister and Cabinet has been informed.

Proactive Release

77. This paper will be published on MBIE's website, subject to any redactions as appropriate under the Official Information Act 1982.

Recommendations

I recommend that the Committee:

1. **note** that the International Telecommunications Union (ITU) is the United Nations specialised agency responsible for information and communications technologies;
2. **note** that the ITU's supreme body, the Plenipotentiary (PP-22) conference is where member states, including New Zealand meet to discuss relevant issues/proposals put forward by member states and may consider changes to the Constitution and Convention of the ITU;
3. **note** that the Ministry of Business, Innovation and Employment (MBIE), National Cyber Policy Office (NCPO), and InternetNZ will be representing New Zealand at the PP-22. MBIE will be attending in person, while NCPO and InternetNZ will attend virtually;
4. **note** that this paper seeks Cabinet agreement to the negotiating positions to be taken by New Zealand at the upcoming ITU PP- 22 Conference to be held in Bucharest, Romania from 24 September to 14 October 2022;
5. National security or defence

6. **delegate authority** to the Minister for the Digital Economy and Communications to make any decisions on new issues that arise at the Conference as required;
7. **agree** that the New Zealand delegation is authorised to sign the Final Acts of the Conference, subject to them being consistent with the negotiating positions as agreed at recommendation 5, or the approval of the Minister for the Digital Economy and Communications for matters that fall outside these positions;

R E S T R I C T E D

8. **note** the New Zealand delegation will provide a briefing to the Minister for the Digital Economy and Communications on 10 October 2022 advising if the Final Acts are consistent with the positions agreed by Cabinet.
9. **note** that if existing resolutions or texts do change in a way that is inconsistent with New Zealand's position, MBIE will confer with MFAT and partner countries and provide further advice directly to the Minister for the Digital Economy and Communications.
10. **delegate authority** to the Minister for the Digital Economy and Communications to make a decision about whether the Final Acts of the PP-22 should be signed or whether a reservation should be lodged if the existing resolutions or text change in a way that is inconsistent with New Zealand's position, subject to further advice from the delegation to the ITU as noted in recommendation 9.

Authorised for lodgement

Hon David Clark

Minister for the Digital Economy and Communications