



COVERSHEET

Minister	Hon Kris Faafoi	Portfolio	Broadcasting, Communications and Digital Media
Title of Cabinet paper	World Radiocommunication Conference 2019: Approval to Attend and Sign the Final Acts	Date to be published	29 July 2019

List of documents that have been proactively released

Date	Title	Author
12 June 2019	<i>World Radiocommunication Conference 2019: Approval to Attend and Sign the Final Acts</i>	<i>Office of the Minister of Broadcasting, Communications and Digital Media</i>
12 June 2019	<i>Cabinet minutes</i>	<i>Cabinet Office</i>

Information redacted

YES

Any information redacted in this document is redacted in accordance with MBIE's policy on Proactive Release and is labelled with the reason for redaction. This may include information that would be redacted if this information was requested under Official Information Act 1982.

In Confidence

Office of the Minister of Broadcasting, Communications and Digital Media
Chair, Cabinet Economic Development Committee

WORLD RADIOCOMMUNICATION CONFERENCE 2019: APPROVAL TO ATTEND AND SIGN THE FINAL ACTS

Proposal

1. This paper seeks Cabinet approval for a New Zealand delegation to participate in the International Telecommunications Union (ITU) World Radiocommunication Conference 2019 and to sign the Final Acts of the Conference.

Executive Summary

2. The World Radiocommunication Conference 2019 (WRC-19) will be held from 28 October to 22 November 2019. To ensure New Zealand's radiocommunication interests are promoted, a delegation of officials and industry representatives will need to attend the conference on New Zealand's behalf.
3. This paper represents the mandate for New Zealand engagement at the conference.
4. Key decisions of the conference are usually made on the last day and are described in the Final Acts of the Conference (the Final Acts).¹ [Redacted]
5. Cabinet does not need to review the Final Acts at the time of signature, because any treaty action included in the Final Acts will be subject to New Zealand's domestic treaty making process, which includes obtaining Cabinet approval.
6. Due to time constraints on the final day of the conference and the fact that signing the Final Acts is not legally binding, this paper proposes that the Minister of Broadcasting, Communications and Digital Media be delegated authority to authorise the New Zealand delegation to sign the Final Acts on behalf of New Zealand. This has been the New Zealand Government's approach to previous World Radiocommunication Conferences.

Background

7. The ITU is the United Nations' specialised agency for information and communication technologies. The ITU allocates global radio spectrum and satellite orbits, develops technical standards and works to improve access to information and communication technologies worldwide.

¹ The expression "Final Act" is the title for the formal summary of proceedings of a diplomatic conference, in particular one where a multilateral treaty has been drawn up.

8. World Radiocommunication Conferences are held every three to four years to review and revise the International Radio Regulations. The International Radio Regulations is an inter-governmental treaty that forms the basis of worldwide use of the radio spectrum.
9. The International Radio Regulations are incorporated into New Zealand legislation by reference in the Radiocommunications Act 1989.
10. ITU member states are split into six regional groups. These groups come up with proposals which are submitted to each World Radiocommunication Conference. New Zealand is a member of the Asia Pacific grouping called the Asia Pacific Telecommunity (APT).
11. The Chair of each World Radiocommunication Conference is confirmed on the opening of the conference.

International preparation for WRC-19

12. WRC-19 will be held in Sharm el-Sheikh, Egypt from 28 October to 22 November 2019. The conference will consider specific agenda items as well as various proposals by countries to make changes to the International Radio Regulations.
13. This year, Egypt as the host country has the honour of nominating its candidate as the Chairperson for WRC-19.
14. New Zealand has participated in the preparatory work for WRC-19 through both the ITU and APT. The majority of specific New Zealand requirements are included in the APT common proposals, but a number of direct proposals to WRC-19 from New Zealand may also be necessary.
15. Participation at WRC-19 is the most effective way to promote New Zealand's international interests in radiocommunications and to protect current uses of radio spectrum within New Zealand.

New Zealand's focus and positions at WRC-19

16. New Zealand's interests can be summarised as the maintenance of an efficient, flexible, and liberalised international radiocommunications framework which is consistent with:
 - 16.1. the Government's broader economic objectives;
 - 16.2. the interests of New Zealand consumers;
 - 16.3. World Trade Organisation agreements;
 - 16.4. New Zealand's telecommunications and broadcasting policy and regulatory regimes; and
 - 16.5. the protection of existing radio-based services in New Zealand.

17. These principles are consistent with the principles for New Zealand engagement at previous World Radiocommunication Conferences [EGI Min (15) 13/3 refers].
18. The Ministry of Business, Innovation and Employment (MBIE) has consulted industry and interested parties and is developing positions on the relevant agenda items consistent with the above principles.
19. The delegation's focus at WRC-19 will be on agenda items that affect New Zealand, including:
 - 19.1. allocating additional radio spectrum in the "millimetre wave" frequency bands for International Mobile Telecommunications systems to facilitate the deployment of fifth generation mobile networks ("5G");
 - 19.2. expanding radio spectrum allocations to support increasing demands by wireless local area networks (more commonly known as "Wi-Fi");
 - 19.3. a possible global or regional spectrum harmonisation approach for intelligent transport systems;
 - 19.4. making changes to the International Radio Regulations to facilitate the modernisation of the global maritime distress and safety system (GMDSS) as well as the addition of a new satellite network for GMDSS; and
 - 19.5. a simplified regulatory framework for short-duration non-geostationary satellites (as launched by Rocket Lab).
20. The agenda for the subsequent World Radiocommunication Conference, likely to be held in 2023, will also be set at WRC-19.

Conference participation

21. The conference is expected to attract over 3000 participants from around the world. Both government officials and industry representatives will attend.
22. I propose that the New Zealand delegation include government officials and industry representatives.
23. I anticipate that two officials from MBIE will attend, one of whom will lead the delegation.
24. The New Zealand Defence Force, as major spectrum user, is planning to send one official to participate as part of the New Zealand delegation.
25. Representatives from other government agencies, such as Maritime New Zealand and Civil Aviation Authority, are still considering whether to send officials as part of the New Zealand delegation.
26. Several industry representatives, particularly in the telecommunication sector, have indicated that they would like to participate as part of the New Zealand delegation.

27. MBIE has been consulting with the Ministry of Foreign Affairs and Trade concerning the necessary credentials for the conference. These will be prepared once this paper has been considered.

Conference outcomes

28. At the conclusion of WRC-19, national delegations will sign the Final Acts. Signing the Final Acts on its own will not bind the signing governments under international law.
29. The New Zealand delegation will report to the Minister of Broadcasting, Communications and Digital Media prior to signing the Final Acts to confirm that the texts appropriately reflect New Zealand's interests.
30. I propose that I, as Minister of Broadcasting, Communications and Digital Media, be delegated authority to authorise the New Zealand delegation to sign the Final Acts of WRC-19.
31. After the conclusion of the conference, member states of the ITU will be required to formally ratify the amended treaty text. For New Zealand, this will require Cabinet approval of any amendments to the International Radio Regulations.
32. Once approved by Cabinet, the Cabinet paper with the amended treaty text and a National Interest Analysis will be presented to Parliament for consideration in accordance with Standing Orders 397-400.

Consultation

33. MBIE has consulted with the Ministry of Foreign Affairs and Trade and informed the Department of Prime Minister and Cabinet during the preparation of this paper.

Financial Implications

34. The direct costs of participation have been allowed for within existing departmental budgets. Officials from other government agencies and industry representatives will meet their own costs for their participation of the conference.

Legislative Implications

35. There are no direct legislative implications. The revised treaty will be presented to Parliament in accordance with the Standing Orders before final ratification. Any required legislative change will be made following domestic treaty processes before ratification.

Human Rights

36. The proposal is consistent with the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993.

Publicity

37. No publicity is considered necessary.

Proactive Release

38. This paper, along with the Cabinet minutes and supporting documentation, is proposed to be released on the MBIE website within 30 working days of the final decision being made by Cabinet. The release of the information is subject to redactions consistent with the Official Information Act 1982.

Recommendations

The Minister of Broadcasting, Communications and Digital Media recommends that the Committee:

39. **Agree** that New Zealand be represented at the World Radiocommunication Conference 2019 by a delegation led by MBIE, which includes representatives from the New Zealand Defence Force and industry stakeholders;
40. **Agree** that the New Zealand delegation seek to maintain an efficient, flexible and liberalised international radiocommunication regulation framework which is consistent with:
- 40.1. the Government's broader economic objectives;
 - 40.2. the interests of New Zealand consumers;
 - 40.3. World Trade Organisation agreements;
 - 40.4. New Zealand's telecommunications and broadcasting policy and regulatory regimes; and
 - 40.5. the protection of existing radio-based services;
41. **Note** that, subject to Cabinet approval of participation at the conference, the Ministry of Business, Innovation and Employment will seek necessary credentials from the Minister of Foreign Affairs, which confirm the New Zealand delegation has the right to sign the Final Acts of the Conference;
42. **Agree** that the Minister of Broadcasting, Communications and Digital Media be delegated authority to authorise the New Zealand delegation to sign the Final Acts of the Conference on behalf of New Zealand; and
43. **Note** that any treaty action within the Final Acts will be subject to New Zealand's domestic treaty process which includes obtaining Cabinet approval.

Authorised for lodgement

Hon Kris Faafoi

Minister of Broadcasting, Communications and Digital Media