



COVERSHEET

Minister	Hon Ginny Andersen	Portfolio	Digital Economy and Communications
Title of Cabinet paper	World Radiocommunication Conference 2023: Approval to Attend and Sign the Final Acts	Date to be published	11 September 2023

List of documents that have been proactively released

Date	Title	Author
July 2023	World Radiocommunication Conference 2023: Approval to Attend and Sign the Final Acts	Office of Minister of Digital Economy and Communications
26 July 2023	World Radiocommunication Conference 2023: Approval to Attend and Sign the Final Acts DEV-23-MIN-0154 Minute	Cabinet Office

Information redacted

YES / NO

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Some information has been withheld for the reasons of Constitutional conventions and Negotiations.

In Confidence

Office of the Minister for the Digital Economy and Communications
Cabinet Economic Development Committee

World Radiocommunication Conference 2023: 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 2023 and to sign the Final Acts of the Conference.

Executive Summary

- 2 The International Telecommunications Union is a specialised agency within the United Nations. Every four years the ITU holds the World Radiocommunication Conference to amend the ITU Radio Regulations. The ITU Radio Regulations are a treaty-level agreement that provide a global regulatory framework for radio spectrum management and form the basis of New Zealand's radio spectrum management regime.
- 3 The World Radiocommunication Conference 2023 (WRC-23) will be held from 20 November to 15 December 2023. To ensure New Zealand's radiocommunication interests are promoted and protected, a delegation of officials and industry representatives will attend the conference on New Zealand's behalf.
- 4 This paper represents the mandate for New Zealand's engagement at the conference.
- 5 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.
- 6 Signing the Final Acts does not on its own bind the signing governments. Cabinet does not need to review the Final Acts at the time of signature, because any subsequent binding treaty actions will be subject to New Zealand's domestic treaty making process, which includes obtaining Cabinet approval.

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.

- 7 Due to time constraints on the final day of the conference and the fact that signing the Final Acts is not a binding treaty action, this paper proposes that the Minister for the Digital Economy and Communications 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

- 8 The ITU is the United Nations' specialised agency for information and communication technologies. The ITU allocates and administers global radio spectrum frequencies and satellite orbits, develops technical standards, promotes global harmonisation, provides a global framework for the management of the radio frequency spectrum and works to improve access to information and communication technologies worldwide.
- 9 World Radiocommunication Conferences are held every three to four years to review and revise the ITU Radio Regulations, with the last Conference held in 2019. The ITU Radio Regulations is an inter-governmental treaty that forms the basis of worldwide use of the radio spectrum.
- 10 The ITU Radio Regulations are incorporated into New Zealand legislation by reference in the Radiocommunications Act 1989.
- 11 ITU member states are split into six regional groups. These groups develop 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).
- 12 The Chair of each World Radiocommunication Conference is confirmed on the opening of the conference.

International preparation for WRC-23

- 13 WRC-23 will be held in Dubai, United Arab Emirates from 20 November to 15 December 2023. The conference will consider specific agenda items as well as various proposals by countries to make changes to the ITU Radio Regulations.
- 14 This year, the United Arab Emirates as the host country will nominate its candidate as the Chairperson for WRC-23.
- 15 New Zealand has participated in the preparatory work for WRC-23 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-23 from New Zealand may also be necessary.
- 16 Participation at WRC-23 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-23

- 17 [REDACTED] Negotiations [REDACTED]
- 17.1 [REDACTED] Negotiations [REDACTED]
- 17.2 [REDACTED] Negotiations [REDACTED]
- 17.3 [REDACTED] Negotiations [REDACTED]
- 17.4 [REDACTED] Negotiations [REDACTED]
- 17.5 [REDACTED] Negotiations [REDACTED]
- 18 [REDACTED] Negotiations [REDACTED]
- 19 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.
- 20 The delegation's focus at WRC-23 will be on agenda items that affect New Zealand, including:
- 20.1 [REDACTED] Negotiations [REDACTED]
- 20.2 [REDACTED] Negotiations [REDACTED]
- 20.3 [REDACTED] Negotiations [REDACTED]
- 20.4 [REDACTED] Negotiations [REDACTED]

20.5 [REDACTED] Negotiations [REDACTED]

20.6 [REDACTED] Negotiations [REDACTED]

- 21 The agenda for the subsequent World Radiocommunication Conference, likely to be held in 2027, will also be set at WRC-23.

Conference participation

- 22 The conference is expected to attract over 3000 participants from around the world. Both government officials and industry representatives will attend.

- 23 I propose that the New Zealand delegation include government officials and industry representatives.

24 [REDACTED] Constitutional conventions [REDACTED]

25 [REDACTED] Constitutional conventions [REDACTED]

26 [REDACTED] Constitutional conventions [REDACTED]

- 27 Several industry representatives, particularly in the telecommunications sector, have indicated that they would like to participate in the New Zealand delegation.

- 28 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

- 29 At the conclusion of WRC-23, national delegations will sign the Final Acts. Signing the Final Acts on its own will not bind the government under international law.

- 30 I propose that the Minister for the Digital Economy and Communications be delegated authority to authorise the New Zealand delegation to sign the Final Acts of WRC-23. This includes any reservations and declarations, which will be discussed with the Ministry for Foreign Affairs and Trade to ensure consistency with New Zealand foreign policy.
- 31 The New Zealand delegation will report to the Minister for the Digital Economy and Communications prior to signing the Final Acts to confirm that the texts appropriately reflect New Zealand's interests.
- 32 The 2023 General Election will take place on 14 October, and it is possible that a government will not yet be formed ahead of the commencement of WRC-23 on 20 November. In this circumstance, caretaker conventions will apply, which will inform the approach taken by officials at WRC-23 and the approach taken by the Minister in agreeing for the New Zealand delegation to sign the Final Acts.
- 33 After the conclusion of the conference, member states of the ITU will be required to follow the procedures for Ratification, Accession, Acceptance, or Approval Ipso Facto to become bound by the Final Acts. Advice will be provided following the conference on the appropriate process for New Zealand to become bound by any amendments to the ITU Radio Regulations. Any substantive amendments would be subject to Parliamentary Treaty Examination and presented to the House of Representatives in accordance with Standing Order 405.

Cost of living Implications

- 34 Global rules and regulations monitored and updated through WRC processes govern the development and manufacture of a range of equipment used in New Zealand. This includes key communications equipment such as transmitters used in mobile cell towers, as well as consumer goods using wireless communications like mobile phones or Wi-Fi enabled devices.
- 35 We rely on the global marketplace for accessible and affordable equipment to be available domestically. Participation in global governance for radiocommunications mitigates against the potential cost pressures for New Zealanders and New Zealand industry which would be created by falling out of step with the global marketplace.

Financial Implications

- 36 The direct costs of participation by MBIE officials have been allowed for within existing departmental budgets. Industry representatives will meet their own costs for their participation at the conference.

Legislative Implications

- 37 There are no direct legislative implications of a delegation attending the conference. Any legislative change following the conference will be undertaken through domestic processes before ratification.

Human Rights

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

Use of external Resources

- 39 No external resources were involved in the development of this advice by MBIE, or the development of New Zealand's proposed positions.

Consultation

- 40 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.

Communications

- 41 No public communications are considered necessary.

Proactive Release

- 42 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 for the Digital Economy and Communications recommends that the Committee:

- 1 agree that New Zealand be represented at the World Radiocommunication Conference 2023 by a delegation led by MBIE, Constitutional conventions
- 2 Negotiations
- 2.1 Negotiations
- 2.2 Negotiations
- 2.3 Negotiations
- 2.4 Negotiations
- 2.5 Negotiations

- 3 note that, subject to Cabinet approval of participation at the conference, the Ministry of Business, Innovation and Employment will seek the 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;
- 4 authorise the Minister for the Digital Economy and Communications to authorise the New Zealand delegation to sign the Final Acts of the Conference on behalf of New Zealand including making any declarations or reservations in the Final Acts; and subject to the operation of the caretaker convention, as appropriate; and
- 5 note that any binding treaty action following the signing of the Final Acts will be subject to New Zealand's domestic treaty making process. This includes decisions on the specific mechanism to become bound by the Final Acts, and will include obtaining Cabinet approval.

Authorised for lodgement

Hon Ginny Andersen

Minister for the Digital Economy and Communications