



WRITTEN STATEMENT OF

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I would like to thank Chairman Shays, Ranking Member Kucinich and the distinguished members of the Subcommittee for the opportunity to appear today to testify on U.S. participation in World Radiocommunication Conferences (WRCs). The International Telecommunication Union's Radiocommunication Sector ("ITU-R") held its 2003 World Radiocommunication Conference (WRC 2003) from June 9 to July 4, 2003, in Geneva, Switzerland. I am honored to report to you on our accomplishments at WRC 2003 and to advance suggestions on how the United States can improve its performance at future WRCs.

WRC 2003 occurred at a time of changed geopolitical and economic conditions, particularly in comparison with the Istanbul conference three years earlier. The United States' priorities inevitably were more focused upon preserving global access to spectrum resources required to protect its national security and public safety in the war against terrorism. Safeguarding the ability of U.S. departments and agencies to perform their missions is always a mandate for U.S. Delegations. But at no time had this mandate been more clear.

At the same time, WRC 2003 was—as most recent radiocommunication conferences have been—a chance for the United States to exercise its technological leadership by introducing new commercial services. Perhaps the clearest example of this was the U.S. role in securing a worldwide allocation for wireless LAN (local area network or "WLAN") devices and services in the 5 GHz range. In a world in which technological and market developments overtake all efforts to plan and regulate, Wi-Fi

and other wireless LAN technologies represent the kind of market-driven, grass-roots development of consumer technologies that the U.S. market can incubate so well.

Our delegation, consisting of 167 government and private-sector experts, met the complex challenges it faced at WRC 2003. The delegation represented our nation's interests well, doing so in the best traditions of patriotism, professionalism, determination and friendly outreach that characterize American participation in multilateral diplomacy.

The United States could not be certain, by any means, that all delegations around the globe shared its priorities, interests or, indeed, its vision of a productive WRC 2003, devoid of distractions from extraneous geopolitical issues. And yet, this is exactly the kind of conference WRC 2003 turned out to be.

WRC 2003 may well turn out to be the largest radiocommunication conference ever held. The Conference broke all past precedents in terms of the scope of the agenda. There were 48 separate agenda items, a figure that represented roughly a doubling of the agenda's size from the previous WRC. In keeping with the large number of issues to be resolved, some 138 countries sent a total of 2,300 delegates to the conference. Even as the Conference got under way, the ITU's leadership urged administrations to consider whether WRCs had grown too large and complex, and burdened with too many agenda items. Budgetary problems facing the ITU-R were a constant undercurrent running through the Conference.

As the largest single delegation to WRC 2003, the United States played a key role in producing a business-like conference. It was in the United States' interest to work for such a result, given the unprecedented number of agenda items of interest to it and the scope and scale of participation by other countries, on both national and regional levels. The need to have a tightly focused, productive Conference was recognized also by other administrations, including those of other major economic powers and the developing world, by the leadership of the Conference, and by the ITU leadership.

All significant U.S. objectives were met. The U.S. Delegation's success in meeting its objectives came despite strong resistance from other countries and regional groupings that are U.S. economic rivals or, in some cases, political opponents. As in past WRC conferences, the United States differed on several key issues with the European group. The United States also encountered disagreements and hard negotiations with some members of the Arab and Asian groups—notably, Syria and Iran. In all cases, however, the United States was able to negotiate compromises and agreements that furthered and protected U.S. interests.

Results of WRC 2003

Because of the size of our economy and our role as a technological innovator, the United States has perhaps more at stake than any other nation represented at the periodic WRCs. Its Table of Allocations is more complex; the number of government and private sector stakeholders is more profuse; and the sheer sophistication of spectrum-dependent

activities is higher than any other country in the world. Several key results should be highlighted.

- *Allocation of spectrum in the 5 gigahertz (GHz) range for Mobile Service, to support wireless local area network (WLAN) systems (e.g., Wi-Fi); upgrade of allocations in the same spectrum range (5 GHz) for Radiolocation, Earth Exploration Satellite Service (EESS) and Space Research Service (SRS).*

The United States was able to successfully promote broad-based Wi-Fi deployment in the bands at issue, so long as dynamic frequency selection (DFS) technology was incorporated as part of the regulatory structure for unlicensed use to protect DoD systems in the band.

- *A secondary allocation for Aeronautical Mobile Satellite Service (AMSS) in the 14-14.5 GHz band to support the commercial roll-out of broadband services for airline passengers.*

The United States secured a global allocation for in-flight broadband network services. The United States, which pioneered the Internet and has pushed for broadband access everywhere on Earth, is now pioneering broadband access *above* the Earth, as well. The global AMSS allocation became effective immediately following the Conference, on July 5, 2003, clearing the way for rollout of this commercial service by Boeing and any other companies seeking to enter the market.

- *Agreement on sharing and coordination mechanisms to protect existing services in the 1100-1300 MHz frequency range and to allow the upgrade of the U.S. GPS (Global Positioning System) satellite service in the Radionavigation Satellite Service (RNSS).*

The lightning rod for disagreement at the Conference proved to be the 1164-1215 MHz band. In this band, the Europeans strongly pressed for application of a formal coordination procedure, detailed in Article 9 of the Radio Regulations. Retroactive application of Article 9 coordination would provide an advantageous position for the Galileo system, which the Europeans insisted had been filed at the ITU before the U.S. filing for the GPS upgrade. This would give Galileo precedence under a first-come, first-served approach, requiring that GPS accommodate Galileo in the coordination process. The United States, which believed that Galileo might actually have filed too early under the rules, strongly opposed any retroactive application of Article 9.

Both sides adhered firmly to their positions throughout the first three weeks of the Conference, with the European regional group, CEPT, threatening to bring the issue to a formal vote with the support of the Arab Group. Final resolution of the issue came with a compromise, in which the Europeans agreed to apply Article 9 only prospectively, to RNSS systems filed in the band after January 1, 2005. This effectively grandfathered both Galileo and GPS. This will preserve the ability, under informal coordination mechanisms, for the upgrade of GPS, as planned. The U.S. success on this agenda item can be attributed to firm resolution to defend its interests and principles, as well as to alert and effective support by all concerned branches of the U.S. government.

- *The protection of government Radiolocation systems (i.e., military radars) and satellite data relay systems (i.e., NASA's Tracking and Data Relay Satellite System) from interference in the 13.75-14 GHz band, shared with Fixed Satellite Service (FSS) systems.*

Countries supporting change in this agenda item sought permission for the FSS satellite dishes to be smaller, thus potentially sparking more widespread commercial use in this band. The United States, despite its strong satellite industry, opposed any such reduction in the satellite dish size. Concern that more widespread dish deployment would cause harmful interference to incumbent services with primary status in the band, Radiolocation (i.e., Navy radar) operations and SRS activities (including communications vital to the Space Shuttle and International Space Station programs), motivated the U.S. position. These issues were resolved through a compromise agreement. Although the U.S. Delegation did not succeed, against overwhelming opposition, in its original “no change” proposal, it did succeed in negotiating power limits that will protect U.S. government systems operating in the band.

- *Defeating a proposal that would have set a time limit, originally suggested as being within a range of 20-30 years, for lifetimes of satellite systems—including operating ones and plans to launch new generations of satellites.*

Under a proposal advanced by Arab states, existing commercial systems would have a term of up to 30 years in which to launch and operate their systems, through single or multiple generations, before possibly having to relinquish their rights to an orbital position. The proposal posed a threat to the ability of commercial satellite systems to win and retain investment, imperiling recovery of the U.S. satellite industry. When it appeared that the issue was headed for a floor debate, the U.S. Delegation mobilized, utilizing its active outreach program to communicate the threat’s seriousness to the global satellite industry. The United States led the floor debate against the proposal, joined by an overwhelming show of support from many countries, including developing countries.

The result of debate on the floor during the penultimate night of the Conference was acceptable to the United States.

- *Agreement on an agenda for the next World Radiocommunication Conference that focused on specific spectrum requirements and that did not unnecessarily strain ITU resources.*

The Conference also approved a resolution setting a draft agenda for the next WRC, which is slated tentatively for 2007. The U.S. Delegation succeeded in placing all of its priority items on that agenda. Moreover, the final resolution includes fewer than half the number of agenda items that were addressed at WRC 2003. This reverses the trend of recent WRCs, which had seen a progressive doubling in the agenda size. This result is in keeping with the goals of the United States—and of the ITU itself—to reduce the cost and scope of WRCs in the future.

FACTORS IN MEETING U.S. OBJECTIVES

Successful participation in a WRC requires painstaking and thorough preparation. The positive tenor of the preparatory process was set early by the principals involved: Chairman Michael Powell of the Federal Communications Commission (FCC), Ambassador David Gross representing the Department of State, and Assistant Secretary of Commerce Nancy Victory representing the National Telecommunications and Information Administration (NTIA), with notable participation by other government agencies including the Departments of Defense, Transportation and Homeland Security, the National Aeronautics and Space Administration (NASA), and the National Oceanographic and Atmospheric Administration (NOAA). These principals committed

their agencies to fast-track preparation and close cooperation. These objectives were met in the preparatory phase of the WRC 2003 effort.

I shall briefly cover some aspects of our preparatory process and Conference organization that contributed to attaining U.S. objectives.

Disciplined Strategy Development and Delegation Management

WRCs are among the largest multilateral treaty conferences periodically scheduled within the United Nations system. They function as the culmination of multi-year preparatory, “study” cycles, when spectrum allocation and management issues are thoroughly examined. NTIA and the FCC finalized draft Conference proposals based on the priorities and objectives identified in their respective WRC-03 preparatory processes. After reconciling any diverging views or outstanding issues, NTIA and the FCC posted accepted proposals on their respective WRC 2003 websites for information and further consideration by the public. Following a final review process, including input from the public, NTIA and the FCC jointly forwarded these WRC-03 proposals to the Department of State for submission to the ITU.

Once the Head of Delegation came on board, an expert team from the most engaged departments and agencies formed the Delegation leadership. The Delegation, once formed, developed strategy documents for each agenda item. We met on a weekly basis as a group prior to the Conference and daily during the month in Geneva.

Delegation leadership also met daily to refine positions and address organizational issues as they arose.

WRC-03 Delegation Training Day

The U.S. Delegation conducted the first ever Delegation Training Day on May 14, 2003. The Training Day was successful in helping the Delegation to prepare for events in Geneva and to adopt the proper tone and demeanor for multilateral diplomacy. The event should be repeated by future WRC delegations and possibly other State Department-supported conference delegations, as well.

The U.S. Country Outreach Program

Building open lines of communication and goodwill with other administrations is crucial in an organization such as the ITU, which employs the United Nations voting system of "one country, one vote." Like all other countries, the United States has only one vote on any given issue. But unlike many other countries, its commercial and/or government interests are at stake in virtually all of the WRC agenda items. It then becomes imperative for the U.S. Delegation to employ its numerical and intellectual strengths by engaging all of the other delegates, across all agenda items. The positive effects on U.S. efforts were noteworthy. At WRC 2003, the U.S. Delegation carried out an extensive outreach effort throughout the month, with each Delegation member encouraged to build an informal relationship with a counterpart country delegation.

Commitment to Regional Cooperation

As foreseen prior to the opening of the Conference, this WRC featured a maturation of the trend, over recent decades, of countries' working through regional telecommunications organizations. The U.S. preparatory process was carried out in close concert with other member nations of the Inter-American Telecommunication Commission (CITEL), the telecommunications arm of the Organization of American States (OAS). On many of the issues, the United States went into the Conference having developed consolidated proposals with CITEL member nations. Regional cooperation, not only within CITEL, but also with other regional groups such as the African Telecommunications Union (ATU) and the Asia-Pacific Telecommunity (APT) group enabled the U.S. Delegation to counterbalance, as needed, the collective power of the European bloc, which operates through the Conference of European Postal and Telecommunications (CEPT) administrations.

Due to "fast track" conclusion of U.S. positions, the United States was able to bring a thorough set of final U.S. proposals to the concluding CITEL meeting, hosted by the United States. Numerous "Inter-American Proposals" or "IAPs" significantly or totally mirrored U.S. proposals. We strengthened our substantive presence within our region and CITEL, in turn, was a much stronger player at WRC 2003.

The preparatory phase of WRC 2003 involved unprecedented coordination with U.S. partners in CITEL. This coordination and cooperation continued throughout the

Conference. Two members of the informal core group of the Delegation were detailed to work closely with CITEL, which held regular meetings during the WRC.

WRC 2003 was also notable because it saw the growth and maturation of regional groupings beyond the Americas (CITEL), Western Europe (CEPT) and the Asia-Pacific region (APT). The ATU, an arm of the African Union (previously known as the Organization of African Unity), signed a cooperation agreement with CITEL at the Conference. The United States has long recognized the importance of the African countries as key participants in WRCs, and the work of the ITU-R in general. The U.S. Delegation celebrated the CITEL-ATU partnership, which was solidified at the Conference.

The Strength of the U.S. Delegation

One additional reason for success should also be mentioned, however—the more for its likelihood of being taken for granted or overlooked in discussing WRCs. Perhaps the most fundamental reason for the success of the U.S. Delegation was the involvement of many individuals with enormous cumulative experience on their issues of expertise. At their best, WRC delegations bring this cumulative expertise—in which the United States is unsurpassed—as the greatest tool in representing their countries' interests. The U.S. preparatory system, however cumbersome it can be, maximizes the input of all of these parties and harnesses them in the national interest. WRC 2003 exemplifies what this system can produce.

RECOMMENDATIONS FOR FUTURE SUCCESS

Recognizing the hard work and success made possible by the previous WRC delegations, there is room for improvement in the way the United States prepares for and conducts its representation at the Conferences.

First, as a threshold matter, I applaud the input on this issue provided by the Center for Strategic and International Studies, which has dedicated significant resources and intellectual capital in the effort to provide a blueprint for reform in this area. I would urge this committee, and everyone associated with spectrum management and WRC preparation, to continue to take every possible action to raise the level of awareness about the importance of these Conferences. Government and industry alike must realize that despite the heavy deployment of spectrum engineering terms, World Radiocommunication Conferences are venues for multilateral diplomacy involving political and economic stakes of the highest order. In large measure, they are geopolitical and economic negotiations carried out in technical terminology. I commend CSIS for recognizing this and devoting the considerable depth of its pool of talent and expertise to consideration of these issues.

Second, I would like to recommend that WRCs be supported through a dedicated and fully funded budget at the Department of State, prepared after consultation with all of the most involved government agencies in order to determine optimal resource allocations among them. This budget should be managed by the WRC ambassador upon appointment.

In line with this recommendation is another one to craft a “living document” or blueprint for WRC preparation. This blueprint would guide WRC preparations and Delegation activities, bringing the full benefit of institutional history. Much of the administrative knowledge and experience that goes into preparing for a WRC and carrying it through to success lies in the collective institutional memory of the corps of veterans who serve on U.S. Delegations repeatedly. This is a vital national resource, and unless it is committed to paper (or CD-ROM) it will inevitably erode over time. One of the best contributions to future Conferences would be the drafting of a comprehensive blueprint, guidebook and primer covering all facets of this process and providing the benefit of current expertise to those engaged in future WRC preparations and Conferences.

Third, I fully endorse the effort, embodied in the President’s spectrum policy initiative, to elevate spectrum management issues to the level of comprehensive, national policy. As our economy and national security increasingly depend on wireless technologies, spectrum has risen to the level of a critical infrastructure resource, and it deserves high-level attention and coordination. I trust that the relevant departments and agencies within the federal government, which have done so much to support the national interest in all previous WRCs, will support the effort to establish a high-level policy direction for spectrum management. This would set a baseline for the WRC preparation process and allow all participants to identify and pursue national goals in concert with one another.

Fourth, it has become abundantly clear that for purposes of ITU participation in general, and WRC negotiations in particular, regional blocs have become the dominant mode of operation for many participants from around the world. Much has been said about the reality and potential of Pan-American cooperation through CITELE, but I would like to reinforce and emphasize the need for the United States to cultivate dialogue and cooperation within that organization wherever possible. It is in the commercial and security interests of the United States to do so. Moreover, we should recognize the growth and expansion of newer regional organizations, such as the ATU, the Arab Group and the Regional Communications Community (RCC). We should continue to develop good working relationships through dialogue with these important groups, in addition to the long established regional groups in Europe and Asia.

Finally, I would like to thank this subcommittee for convening this hearing, and for its ongoing efforts to monitor and guide U.S. activities to prepare for the WRCs and to ensure effective representation of the country at these Conferences. It has been a profound honor and pleasure for me to have worked with so many dedicated Americans over the past months, as Head of Delegation for WRC 2003. It is highly gratifying for me to see that this subcommittee and its very able staff recognize the importance of these Conferences to the future economic growth and national security of the country. I look forward to answering any questions you may have and to working with you in your efforts to optimize U.S. WRC preparations.