THE INTERNATIONAL GOVERNANCE OF AERONAUTICAL COMMUNICATIONS: ITU AND ICAO

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THE INSTITUTIONAL FRAMEWORK

• Two main IGOs responsible for global governance of aeronautical communications:
  - International Telecommunication Union (ITU)
  - International Civil Aviation Organization (ICAO)

• Similarities:
  - UN Specialized Agencies
  - technological fields in dynamic evolution
  - technical uniformity
  - universal membership

• Different core mandate:
  - ITU: efficient use of radio spectrum and avoidance of harmful interference
  - ICAO: development of air navigation facilities and safety of international air navigation
THE INSTITUTIONAL COOPERATION

• ITU and ICAO overlap of competence in technical regulation of aeronautical communications:
  ➢ need for coordination!

• Coordination mechanism:
  ➢ ICAO has “observer in advisory capacity” status in all ITU-R meetings, including WRC
  ➢ reciprocal participation of technical experts in study groups and conference preparatory meetings

• ICAO concern:
  ➢ limited powers of its observer status
  ➢ reduction of aeronautical frequency allocations may threaten aviation safety

• ICAO Resolution A38-6:
  ➢ better coordination between ICAO and its Member States
THE REGULATORY COMPETENCE

• Main regulatory instruments:
  - ITU Radio Regulations
    – treaty status, binding value, reviewed by WRC every 3-4 years
    – ensure radio compatibility between different services
  - ICAO SARPs (Annex 10)
    – quasi-legislative acts, proposed by ANC and adopted by ICAO Council, much longer standardization cycles (up to 25 years)
    – establish safety and performance standards

• Relation of "uneven interdependence":
  - SARPs are to be developed within framework of RR
  - RR revisions at WRC have potential great impact on SARPs

• ICAO concern: limit of ITU-ICAO cooperation mechanism may lead to frictions between the two instruments
THE REGISTRATION OF FREQUENCY ASSIGNMENTS

• General frequency assignments: registered in ITU MIFR
  ➢ maintained by ITU RB
  ➢ right to international protection against HI from other services
  ➢ radio spectrum planning

• Frequency assignments in exclusive aeronautical bands: ICAO registration system
  ➢ maintained by ICAO Regional Offices
  ➢ aeronautical exclusive bands (excepted HF, NDB and SATCOM)

• Scarce coordination between two registration systems
  ➢ due to different notification competence at national level (NRAs and CAAs)

• Unclear status of ICAO registered assignments
THE RESOLUTION OF HARMFUL INTERFERENCE

• Increasing radio interference episodes suffered by civil aviation:
  - including voluntary jamming (es. South Korea 2011-12), privacy devices (es. Nantes airport 2017), military operations (es. Nicosia FIR 2018)
  - mainly target GNSS

• Resolution: ITU competence
  - Special treatment of safety services (RR Art. 1.169, 4.10…)
  - Resolution procedure (RR Art. 13.2, 15, 31, Appendix 10…)
  - No enforcement powers (national administrations)

• ITU-ICAO Memorandum of Cooperation:
  - Non-binding, inter-agency exchange of information and expertise
  - Questionable efficacy!
CONCLUSION

• Coordination between ITU and ICAO in present conditions:
  ➢ Overall satisfactory!
  ➢ No particular points of friction in WRC-19 Agenda

• However, trends for the future:
  ➢ Spectrum congestion and air traffic growth
  ➢ ICAO and ITU systems under strain
  ➢ Likely, also their cooperation mechanisms!

• Need for different cooperation model? From consultation to…?
  ➢ Wider questions of global governance
THANK YOU FOR YOUR ATTENTION!