

PLENARY MEETING

Document 168-E
7 November 2014

ADDITIONAL DECLARATIONS

93

Original: English

For Canada:

Having noted the declarations and reservations contained in Document 167 of the Plenipotentiary Conference of the International Telecommunication Union (Busan, 2014), the delegation of Canada further reserves on behalf of its Government the right to take whatever measures it may consider necessary to safeguard its interests should other Member States fail to comply with the provisions of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992) and successive amendments thereto, or the Administrative Regulations particularly to those pertaining to the use of radio frequencies and any associated orbits, including the geostationary-satellite orbit.

94

Original: English

For the Socialist Republic of Viet Nam:

On behalf of the Government of the Socialist Republic of Viet Nam, the Vietnamese Delegation to the Plenipotentiary Conference 2014 (PP-14), having examined the declarations and reservations contained in Document 167, declares:

1 it maintains the reservations made by Viet Nam at the Nairobi Plenipotentiary Conference (1982) and reaffirmed at the Nice (1989), Geneva (1992), Kyoto (1994), Minneapolis (1998), Marrakesh (2002), Antalya (2006) and Guadalajara (2010) Plenipotentiary Conferences;

2 it reserves for Viet Nam the right to take any action, if necessary, to safeguard its interests should any other State Members in any way fail to comply with the provisions of the Constitution, Convention or Administrative Regulations and Appendices thereto of the International Telecommunication Union, or should reservations by other State Members jeopardize the sovereignty, interests and telecommunication services of the S.R. of Viet Nam;

3 it reserves the right of the Socialist Republic of Viet Nam to express additional reservations at the time of ratification of the amendments to the Constitution and the Convention made at the nineteenth ITU Plenipotentiary Conference held in Busan, Korea.

95

Original: English/French/Spanish

For Austria, Belgium, the Republic of Bulgaria, the Republic of Croatia, the Republic of Cyprus, the Czech Republic, Denmark, the Republic of Estonia, Finland, France, the Federal Republic of Germany, Greece, Hungary, Iceland, Italy, Japan, the Republic of Latvia, the Principality of Liechtenstein, the Republic of Lithuania, Luxembourg, Malta, the Kingdom of the Netherlands, Norway, New Zealand, the Republic of Poland, Portugal, Romania, the Slovak Republic, the Republic of Slovenia, Spain, Sweden, Switzerland, Turkey, the United Kingdom of Great Britain and Northern Ireland and the United States of America:

The delegations of the above-mentioned States, referring to the declaration made by Mexico (No. 65), inasmuch as these and any similar statements refer to the Bogotá Declaration of 3 December 1976 by equatorial countries and to the claims of those countries to exercise sovereign rights over segments of the geostationary-satellite orbit, or to any related claims, consider that the claims in question cannot be recognized by this conference.

The above-mentioned delegations also wish to state that the reference in Article 44 of the Constitution to the "geographical situation of particular countries" does not imply recognition of a claim to any preferential rights to the geostationary-satellite orbit.

96

Original: English

For the State of Israel:

Declaration No. 8 and Declaration No. 49 made by certain Member States in respect to the Final Acts, contravenes the principles and purposes of the International Telecommunication Union, and is therefore devoid of legal validity.

The Government of the State of Israel wishes to put on record that it rejects these aforesaid declarations, which politicizes and undermines the work of the ITU.

Should any Member State that has made the foregoing declarations act toward Israel in a manner which violates Israel's rights as a Member State of the ITU, or breaches such Member State's obligations toward Israel as such, the State of Israel reserves its right to act toward such a Member State in a reciprocal fashion.

97

Original: English

For the United Kingdom of Great Britain and Northern Ireland:

The delegation of the United Kingdom of Great Britain and Northern Ireland, referring to the declaration made by the Argentine Republic (No. 1), declares on behalf of its Government that the

United Kingdom of Great Britain and Northern Ireland has no doubt about its sovereignty over the Falkland Islands. The principle and the right of self-determination as set out in Article 1.2 of the Charter of the United Nations and Article 1 of the International Covenant on Civil and Political Rights underlies our position. The United Kingdom is clear that the future of the Falkland Islands should be determined by the people of the Falkland Islands, in accordance with our obligations under the UN Charter

In March 2013 the Falkland Islands Government held a referendum to seek the views of the people. The overwhelming majority of voters (99.8%) voted to remain an Overseas Territory of the United Kingdom. The democratically elected representatives of the Falkland Islands presented the result of that referendum to the Special Committee on Decolonisation in June 2013 and asked the Committee to respect the principle of self-determination. They once again reiterated the historical facts that the Falkland Islands had no indigenous people and that no civilian population was removed prior to their ancestors settling on the Islands. They confirmed that they are a legitimate people with the right to have their wishes respected.

The United Kingdom of Great Britain and Northern Ireland regrets that Foreign Minister Timerman did not accept an invitation to meet with the Foreign Secretary and representatives of the Falkland Islands Government to discuss issues of mutual interest during his visit to London in February 2013. The United Kingdom and Falkland Islands Government have made it clear that they remain willing and ready to cooperate with the Republic of Argentina on areas of mutual interest in the South Atlantic. However, the Republic of Argentina continues to reject these opportunities and has taken a number of actions that are harmful to the region, including the introduction of domestic legislation to restrict shipping to the Falkland Islands and penalise companies who wish to do business in or with the Islands.

The United Kingdom remains fully committed to defending the rights of the people of the Falkland Islands to determine their own political, social and economic future and calls on the Republic of Argentina to respect their wishes.

Finally, South Georgia and the South Sandwich Islands will remain an Overseas Territory of the United Kingdom.

For the United Kingdom of Great Britain and Northern Ireland:

The delegation of the United Kingdom of Great Britain and Northern Ireland, referring to the declarations made by the Republic of Colombia, France and Denmark, the Kingdom of the Netherlands, the Republic of Poland, Romania and Sweden (Nos. 5, 39 and 82) declares on behalf of its Government, that, with regard to Articles 4 and 54 of the Constitution of the International Telecommunication Union, the delegation of the United Kingdom of Great Britain and Northern Ireland, in signing the Final Acts of this conference, does not consent to be bound by the revisions made to the International Telecommunication Regulations at Dubai, 2012.

Original: French

For Chad:

In signing the Final Acts of the Plenipotentiary Conference of the International Telecommunication Union (Busan, 2014), and having examined the declarations and reservations contained in Document 167, the Chadian delegation reserves for its Government the right:

- to take any measure it may deem necessary to safeguard its rights and interests, should any other member of the Union fail to comply with the provisions of the Final Acts of the Plenipotentiary Conference (Busan, 2014) or should any reservation entered by any member interfere, directly or indirectly, with the smooth operation of its telecommunication/ICT services or jeopardize its sovereignty;
- to enter further reservations, should they become necessary, up to the time of and upon the ratification of the Final Acts of the Plenipotentiary Conference (Busan, 2014).

It reserves the right not to apply any provisions of these Final Acts that may be contrary to its Constitution, domestic legislation or international commitments. It likewise reserves the right not to apply them with respect to any other country or institution that does not apply them, whether or not that country or institution is a signatory to such Final Acts.

Original: Russian

For the Russian Federation:

The delegation of the Russian Federation, having noted all the reservations and declarations contained in Document 167 of 6 November 2014, declares on behalf of its Government, in response to declaration 76 made by the delegation of Ukraine, that the Government of the Russian Federation has no doubt as to its sovereignty over the Republic of Crimea and city of Sevastopol. The Russian Federation firmly rejects the claim by the Government of Ukraine to sovereignty over those territories.

In accordance with the universally recognized principle of equality of rights and self-determination of peoples enshrined in the Charter of the United Nations, and based on the free and voluntary expression of the will of the Crimean people in the Crimea-wide referendum held in the Autonomous Republic of Crimea and city of Sevastopol on 16 March 2014, and also in accordance with the Agreement between the Russian Federation and the Republic of Crimea on the accession of the Republic of Crimea to the Russian Federation and the creation of new constituent entities within the Russian Federation (Moscow, 18 March 2014), the Republic of Crimea and city of Sevastopol have become part of the Russian Federation.

This being the case, the Russian Federation, by way of succession, has become fully responsible for radio facilities within the territory of the Republic of Crimea and city of Sevastopol, including in regard to compliance with the rules and procedures ensuing from the ITU Radio Regulations, the Convention of the International Telecommunication Union, and also the International Convention for the Safety of Life at Sea, 1974.

Likewise, in response to declaration 2 made by the delegation of Georgia, the delegation of the Russian Federation declares on behalf of its Government that it has no doubt as to the sovereignty and independence of the Republic of Abkhazia and Republic of South Ossetia. The Russian Federation firmly rejects the claim by the Government of Georgia to sovereignty over the territories of those independent states.

101

Original: English

For the Czech Republic and the Slovak Republic:

The delegation of the Czech Republic and the Slovak Republic, referring to the declaration made by Denmark, the Kingdom of the Netherlands, the Republic of Poland, Romania and Sweden (No. 82), declares on behalf of its Government, that, with regard to Articles 4 and 54 of the Constitution of the International Telecommunication Union, the delegation of the Czech Republic and the Slovak Republic, in signing the Final Acts of the Conference, does not consent to be bound by the revisions made to the International Telecommunication Regulations at Dubai, 2012.

102

Original: English

For Denmark, Norway and Finland:

The delegation of Denmark, Norway and Finland referring to the declarations made by the Republic of Colombia, France, the Kingdom of the Netherlands, the Republic of Poland, Romania and Sweden (Nos. 5, 39 and 82) declares on behalf of its Government, that, with regard to Articles 4 and 54 of the Constitution of the International Telecommunication Union, the delegations of Denmark, Norway and Finland, in signing the Final Acts of this conference, does not consent to be bound by the revisions made to the International Telecommunication Regulations at Dubai, 2012.

103

Original: English

For the United States of America:

1 The United States of America refers to declarations made by various Member States reserving their right to take such action as they may consider necessary to safeguard their interests with respect to application of provisions of the Constitution and Convention of the International Telecommunication Union (Geneva, 1992), and any amendments thereto. The United States of America recalls its initial declaration submitted in connection with these Final Acts and notes that it has reserved the right to take whatever measures it deems necessary to safeguard U.S. interests in response to such actions by other Member States.

2 The United States of America, noting Statement 61 entered by the delegation of Cuba, recalls its right to broadcast to Cuba on appropriate frequencies free of jamming or other wrongful interference and reserves its rights with respect to existing interference and any future interference by Cuba with U.S. broadcasting. The United States of America disassociated from the WRC-07 matter referenced in the Cuban statement. Furthermore, the United States of America

notes that its presence in Guantanamo is by virtue of an international agreement presently in force and that the United States of America reserves the right to meet its radiocommunication requirements there as it has in the past.

104

Original: French

For the Republic of Burundi:

In signing the Final Acts of the Plenipotentiary Conference (Busan, 2014) of the International Telecommunication Union, and having examined the declarations and reservations contained in Document 167, the Burundian delegation reserves for its Government the right to take any measures it may deem necessary to safeguard its rights and interests, should any country fail in any way to comply with the provisions of the Final Acts or should any reservation subsequently entered by another country jeopardize or harm Burundi's interests. Moreover, Burundi reserves the right to enter any appropriate specific reservations that it might deem necessary concerning the Final Acts adopted by this conference, up to the time of depositing the corresponding instrument of ratification.

105

Original: English

For Austria, Belgium, Czech Republic, Denmark, Estonia, the Federal Republic of Germany, Hungary, Japan, Republic of Latvia, Republic of Lithuania, Luxembourg, Kingdom of Netherlands, Republic of Poland, Slovak Republic, Republic of Slovenia, Sweden, the United Kingdom of Great Britain and Northern Ireland and the United States of America:

The delegations of the above-mentioned States, referring to the declaration made by the Republic of Colombia (No. 5), inasmuch as these and any similar statements refer to the Bogotá Declaration of 3 December 1976 by equatorial countries and to the claims of those countries to exercise sovereign rights over segments of the geostationary-satellite orbit, or to any related claims, consider that the claims in question cannot be recognized by this conference.

The above-mentioned delegations also wish to state that the reference in Article 44 of the Constitution to the "geographical situation of particular countries" does not imply recognition of a claim to any preferential rights to the geostationary-satellite orbit.

106

Original: English

For the Kingdom of Cambodia:

Having taken note of the declarations made in Document 167, the delegation of the Kingdom of Cambodia, in signing the Final Acts of the Plenipotentiary Conference (Busan, 2014), reserves for its Government the right to take any action that it may consider necessary to safeguard its interests should any Member State fail in any way to comply with the requirements of the Constitution and the Convention of the International Telecommunication Union, as amended by the Plenipotentiary Conference (Kyoto, 1994), the Plenipotentiary Conference (Minneapolis,

1998), the Plenipotentiary Conference (Marrakesh, 2002), the Plenipotentiary Conference (Antalya, 2006), the Plenipotentiary Conference (Guadalajara, 2010) and the Plenipotentiary Conference (Busan, 2014) or the annexes thereto, or should reservations by other countries jeopardize its interests in any way.

107

Original: English

For Canada, the Republic of Estonia, the Republic of Lithuania, the Republic of Moldova, the Republic of Poland, Romania, the Republic of Slovenia, Sweden, the United Kingdom of Great Britain and Northern Ireland and the United States of America:

The delegations of the mentioned countries, referring to the declaration made by the Ukraine (No. 76) declare that we remain committed to uphold the sovereignty and territorial integrity of Ukraine. We do not recognize the illegal referendum in Crimea, which is in clear violation of the Ukrainian Constitution. We strongly condemn the illegal annexation of Crimea and Sevastopol to the Russian Federation, and will not recognize it. We further believe that there is no place for the use of force and coercion to change borders in Europe in the 21st century.

We recognize that reliable telecommunications systems are indispensable for promoting the socio-economic development of countries, and that in the territories of the Autonomous Republic of Crimea and the city of Sevastopol, under the present conditions, Ukraine will not have the possibility to ensure the completion of the transition from analogue to digital television broadcasting in accordance with the Regional Agreement relating to the planning of the digital terrestrial broadcasting service in Region 1.

Therefore, we call upon the International Telecommunication Union (ITU) to implement rapidly the terms of Resolution 68/262 (2014) of the United Nations General Assembly that "calls upon all States, international organizations and specialized agencies not to recognize any alteration of the status of the Autonomous Republic of Crimea and the city of Sevastopol" and to "refrain from any action or dealing that might be interpreted as recognizing any such altered status".

Furthermore, we encourage the ITU Secretary-General and the Directors of the three Bureaux to take actions in order to assist Ukraine to ensure the use of its telecommunications resources in accordance with the Constitution and Convention of the International Telecommunication Union and the Administrative Regulations.

108

Original: English

For the Republic of Bulgaria:

The delegation of Bulgaria, referring to the declaration made by Colombia, France, Denmark, Kingdom of the Netherlands, Poland, Romania and Sweden (Nos. 5, 39 and 82) declares on behalf of its Government, that, with regard to Articles 4 and 54 of the Constitution of the International Telecommunication Union, the delegation of Bulgaria, in signing the Final Acts of this conference, does not consent to be bound by the revisions made to the International Telecommunication Regulations at Dubai, 2012.

For Romania:

The delegation of Romania, referring to the declaration made by Colombia, France, Denmark, Kingdom of the Netherlands, Poland, Romania and Sweden (Nos. 5, 39 and 82) declares on behalf of its Government, that, with regard to Articles 4 and 54 of the Constitution of the International Telecommunication Union, the delegation of Romania, in signing the Final Acts of this Conference, does not consent to be bound by the revisions made to the International Telecommunication Regulations at Dubai, 2012.
