

# TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

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JAARGANG 1983 Nr. 87

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A. TITEL

*Regionale Overeenkomst inzake de middengolfomroep in regio 2, met  
Slotprotocol;  
Rio de Janeiro, 19 december 1981*

B. TEKST<sup>1)</sup>

**Regional Agreement for the Medium Frequency Broadcasting Service in  
Region 2**

**Preamble**

Fully respecting the sovereign right of each country to regulate within its territory the broadcasting service in the medium frequency band and to reach special arrangements with such countries as it may consider appropriate, without prejudice to other administrations;

In order to facilitate relations among the Members of Region 2, mutual understanding, and cooperation on broadcasting in the medium frequency band;

In order to improve the utilization of the frequency band allocated to the medium frequency broadcasting service and achieve a satisfactory broadcasting service in all the countries;

Recognizing that all countries have equal rights, and that, in the application of this Agreement, the needs of each country, in particular those of developing countries, shall be fulfilled as far as possible;

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<sup>1)</sup> De Franse en de Spaanse tekst zijn niet afgedrukt.

Voor het raadplegen van de bij de Overeenkomst behorende bijlagen die niet zijn afgedrukt, kan men zich wenden tot de Centrale Directie der PTT.

Recognizing that the protection of mutually accepted services in a major objective for all countries, attempting thereby to bring about better coordination and the use of more efficient facilities;

the delegates of the Members of the International Telecommunication Union meeting in Rio de Janeiro at a regional administrative conference convened under the provisions of the International Telecommunication Convention (Malaga-Torremolinos, 1973), have adopted, subject to approval by the competent authorities of their respective countries, the following provisions relating to the broadcasting service in Region 2 for the medium frequency band between 535 and 1 605 kHz:

## Article 1

### *Definitions*

For the purposes of this Agreement, the following terms shall have the meanings defined below:

*Union*: The International Telecommunication Union;

*Secretary-General*: The Secretary-General of the Union;

*IFRB*: The International Frequency Registration Board;

*CCIR*: The International Radio Consultative Committee;

*Convention*: The International Telecommunication Convention;

*Radio Regulations*: The Radio Regulations supplementing the provisions of the Convention;

*Region 2*: The geographical area defined in No. 394 of the Radio Regulations, Geneva, 1979;

*Master Register*: The Master International Frequency Register;

*Agreement*: This Agreement and its Annexes;

*Plan*: The Plan and its appendices forming Annex 1 to the Agreement and the modifications introduced as a result of the application of the procedure of Article 4 of the Agreement;

*Contracting Member*: Any Member of the Union which has approved the Agreement or acceded to it;

*Administration*: Any governmental department or service responsible for discharging the obligations undertaken in the Convention and the Radio Regulations;

*Station*: Medium frequency broadcasting station;

*Assignment in conformity with the agreement:* A frequency assignment appearing in the Plan;

*Objectionable interference:* The interference caused by a signal that exceeds the maximum permissible field strength within the protected contour, in accordance with the values derived from Annex 2 to the Agreement.

*Harmful interference:* Interference which endangers the functioning of a radionavigation service or of other safety services or seriously degrades, obstructs or repeatedly interrupts a radiocommunication service operating in accordance with the Radio Regulations.

## Article 2

### *Frequency Band*

The provisions of the Agreement shall apply to the frequency band 535 to 1605 kHz allocated to the broadcasting service under Article 8 of the Radio Regulations, Geneva, 1979.

## Article 3

### *Execution of the Agreement*

3.1. The Contracting Members shall adopt for their stations in Region 2 in the frequency band which is the subject of the Agreement the technical characteristics and standards specified in the Plan.

3.2. The Contracting Members shall not bring into use assignments in conformity with the Agreement, change the technical characteristics of stations specified in the Plan, introduce new assignments in the Plan, or bring new stations into use, except under the conditions set out in Articles 4 and 5 of the Agreement.

3.3. The Contracting Members undertake to study and, in common agreement and to the extent possible, to put into practice the measures necessary to avoid or to reduce any harmful or objectionable interference that might result from the application of the Agreement.

## Article 4

### *Procedure for Modifications to the Plan*

4.1. When a Contracting Member proposes to make a modification to the Plan, i.e.:

- to change the characteristics of a frequency assignment to a station

shown in the Plan, whether or not the station has been brought into use;

- to introduce a new assignment into the Plan, or
- to bring into use a new station, or
- to cancel a frequency assignment to a station,

the following procedure shall be applied before any notification is made under the provisions of Article 12 of the Radio Regulations (see Article 5 of this Agreement).

*4.2. Proposals for changes in the characteristics of an assignment, for the introduction of a new assignment or for the bringing into use of a new station*

4.2.1. Any administration proposing to change the characteristics of an assignment in the Plan, to introduce a new assignment or bring into use a new station shall seek the agreement of any administration that has an assignment in conformity with the Agreement in the same channel or in adjacent channels with a separation up to 30 kHz and that is considered to be adversely affected in accordance with the provisions of 4.2.10 of this Article.

4.2.2. Any administration proposing to change the characteristics of an assignment in the Plan, to introduce a new assignment or bring into use a new station shall communicate to the IFRB the information in the form specified in Annex 3 to the Agreement. This information should not be sent earlier than 3 years prior to the proposed date of implementation of such a change or of entry into use of the station corresponding to the new assignment. At the same time, it may request the agreement of the administrations whose assignments in conformity with the Agreement it considers may be adversely affected, sending a copy of the correspondence to the IFRB.

4.2.3. In cases not specified in 4.2.14, in order to seek the agreement referred to in 4.2.1, the administration shall at the same time inform the IFRB of the names of the administrations whose agreement it considers should be sought or with which it is attempting to reach an agreement.

4.2.4. If the IFRB receives information that is incomplete as regards the characteristics specified in Annex 3 to the Agreement, it shall immediately request the administration by telegram to provide the missing information as soon as possible.

4.2.5. The IFRB, after ensuring that the information required in Annex 3 to the Agreement has been provided, shall determine, as soon as possible, by using Annex 2 to the Agreement, those administrations whose assignments in conformity with the Agreement are considered adversely affected as specified in 4.2.10 and shall, as soon as possible,

forward the results of its calculations to the administration proposing the modification to the Plan. At the same time, the IFRB shall publish in a special section of its weekly circular the information sent pursuant to 4.2.2 and 4.2.3 listing the names of the administrations concerned.

4.2.6. The IFRB shall send the administrations listed in the special section of its weekly circular a telegram informing them of the publication and shall forward the result of its calculations to them.

4.2.7. An administration which considers itself entitled to appear on the list of administrations whose frequency assignments have been considered to be adversely affected according to 4.2.10 may, within 60 days from the date of publication, request the IFRB to include it in that list. Also, a copy of the request shall be sent to the administration proposing the modification to the Plan, together with the relevant technical reasons.

4.2.8. The IFRB shall also determine:

- the effect of the proposed modification on pending modifications not yet included in the Plan; and
- the effect of pending modifications on the proposed modification.

For this purpose, the IFRB shall take into account only those pending modifications which have been received by the Board no more than 180 days before the date of receipt of the modification under consideration. The IFRB shall forward the results of its calculations to the administrations concerned.

4.2.9. The administration proposing a modification shall, in addition to the agreement referred to in 4.2.1, seek the agreement of the administrations whose modifications already received by the IFRB and still pending are considered to be adversely affected in accordance with 4.2.10, but have not been pending longer than 180 days from the date of receipt of the proposed modification by the IFRB in accordance with 4.2.8.

4.2.10. Any assignment in conformity with the Agreement shall be considered as adversely affected when appropriate calculations based on Annex 2 indicate that objectionable interference occurs as a result of a proposed modification to the Plan.

4.2.11. On receipt of the special section referred to in 4.2.5, the administration whose assignments in conformity with the Agreement might be adversely affected in accordance with 4.2.10 shall give urgent consideration to the proposed modification. If it considers that the proposed modification to the Plan is acceptable, it shall signify its agreement as soon as possible to the administration seeking agreement and shall inform the IFRB accordingly.

4.2.12. Should an administration listed in the special section consider

that a proposed modification to the Plan is unacceptable, it shall communicate its reasons to the administration seeking agreement within 60 days from the date of publication of the relevant IFRB weekly circular. It may also offer any information or suggestions it deems useful for bringing about a satisfactory solution to the problem. The administration seeking agreement shall endeavour to adapt its requirements as far as possible, having regard to any comments received.

4.2.13. Comments from administrations on the information published in accordance with the provisions of 4.2.5 shall be sent either directly to the administration that is proposing the change or through the IFRB. In all cases, the IFRB must be informed.

4.2.14. The agreement referred to in paragraph 4.2.1 is not required for a proposed change in the characteristics of an assignment in conformity with the Agreement provided that it entails no increase in the effective monopole radiated power in any direction and if a change in the site of the station is involved this change is limited to 3 km or to 5% of the distance to the nearest point on the border of a neighbouring country up to a maximum of 10 km. The move is referred to the site first registered in the Plan or subsequently registered in the Plan as a result of the application of the provisions of paragraph 4.2.1. In any event the move shall not result in a groundwave contour overlap prohibited under paragraph 4.10.4.2 of Annex 2 to the Agreement. However, no protection will be required beyond the level of protection which was already accepted before the proposed move.

If the IFRB finds that the above conditions are met, it shall enter the proposed modification in the Plan and publish the relevant information in a special section of the weekly circular. Administrations intending to modify the Plan in this way may then put its project into effect subject to application of the provisions of Article 5 of the Agreement.

4.2.15. Thirty days before the date limit referred to in 4.2.16 for comments, the IFRB shall, by telegram, remind the administrations listed in the special section and which have not already commented of the deadline for making comments.

4.2.16. Any administration, whether or not it receives a request under 4.2.2, that has not forwarded its comments to the administration proposing the modification or to the IFRB within a period of 60 days following the date of the weekly circular referred to in 4.2.5, shall be considered as having agreed to the proposed change.

4.2.17. If, in seeking agreement, an administration makes changes in its proposal which result in an increase in the effective monopole radiated power in any direction with respect to the initial proposal, it shall again apply the provisions of 4.2.1 and the consequent procedure.

4.2.18. If no comments have been received on expiry of the period

specified in 4.2.16 or if an agreement has been reached with the administrations that submitted comments, the administration proposing the modification shall inform the IFRB of the final characteristics of the assignment and the names of the administrations with which agreement has been reached.

4.2.19. When agreement has been reached with each administration concerned, the assignment shall be entered in the Plan and the status recognized for an assignment in conformity with the Agreement shall apply to the assignment in question. The IFRB shall publish the information received under 4.2.18 in a special section of its weekly circular, indicating the names of the administrations with which the provisions of this Article have been successfully applied.

4.2.20. Should the administrations involved fail to reach agreement, the IFRB shall conduct such studies as those administrations may request; the IFRB shall inform the administrations of the result of its studies and shall submit appropriate recommendations for the solution of the problem.

4.2.21. Any administration may, during application of the procedure for modification of the Plan or before initiating such procedure, request technical assistance from the IFRB, particularly in seeking the agreement of another administration.

4.2.22. When the proposed modification to the Plan involves a developing country, administrations shall seek a solution conducive to the economic development of the broadcasting system of the developing country, giving due consideration to the principles enunciated to this effect in the Preamble to this Agreement.

### *4.3. Special procedure for modifying the Plan*

4.3.1. If, after having exhausted all technical possibilities to secure the agreement referred to in 4.2.1 by applying the procedure provided in 4.2.2 to 4.2.21 an administration fails to have its proposed modification entered in the Plan, it may request the IFRB to apply the provisions of the special procedure outlined below.

4.3.2. Application of this special procedure may be requested by administrations, in particular those of developing countries, taking into account the need for special consideration to be given to new broadcasting stations in areas where they constitute the first or possibly the second service.

4.3.3. The IFRB shall examine the proposed modification to the Plan in order to determine the probability of objectionable interference in the channels of the band. If its finding is unfavourable, the IFRB shall select the channel which offers the best solution and accordingly inform the administration proposing the modification and any other administration

whose assignments in conformity with the Agreement may be adversely affected.

4.3.4. In order to guarantee the integrity of the technical criteria on which the Plan is based, the IFRB shall make recommendations to the administration proposing the modification for reducing or eliminating the objectionable interference. In any case, these recommendations should cover the following technical solutions:

- modification of an assignment entered in the Plan in the name of the administration proposing the modification but not yet put into service;
- the use of directional antennas, reduction of the power or change in the site of the transmitter.

4.3.5. The administration proposing the modification to the Plan should do all in its power to eliminate any objectionable interference or reduce it to a minimum by adopting the technical solution suggested by the IFRB.

4.3.6. If the administration whose assignments in conformity with the Agreement may be adversely affected finds that it can accept the interference caused to those assignments as a result of the technical solution recommended by the IFRB, it shall so inform the Board within 60 days. This administration may otherwise, within the same period, propose to alter the IFRB's recommendations without it having a significant impact on the proposed assignment. If the IFRB finds this acceptable, it shall reformulate its recommendations accordingly and communicate them to the administration seeking the introduction of its assignment into the Plan.

4.3.7. If the technical solution in the final form adopted by the administration proposing the modification is in accordance with the additional interference margin permitted under 4.11 of Annex 2, the proposed modification shall be entered in the Plan at the request of the administration concerned. The IFRB shall publish this information in a special section of its weekly circular.

4.3.8. A note in the Plan shall indicate that in the examination of proposed modifications to the Plan which may subsequently be submitted, the relevant calculations shall be made with reference to the initial usable field strength value of the other assignments in the same channel, without the assignment in question being considered.

#### *4.4. Settlement of disputes*

If, after application of the procedure described in this Article, the administrations concerned are unable to reach agreement, they may resort to the procedure established in Article 50 of the Convention. The

administrations also may apply, by common agreement, the Optional Additional Protocol to the Convention.

#### *4.5. Cancellation of an assignment*

When an administration decides to cancel an assignment in conformity with the Agreement, it shall immediately notify the IFRB, which shall publish the cancellation in a special section of its weekly circular.

#### *4.6. Assignments recorded in the Plan but not brought into service*

4.6.1. The IFRB shall consult the administration concerned with regard to the advisability of cancelling assignments recorded in the Plan or introduced into the Plan pursuant to the provisions of this Article, but not brought into service within four years of the date of inclusion of the assignment in the Plan. If the administration agrees, the IFRB shall publish the cancellation in a special section of the weekly circular.

4.6.2. On expiry of the period specified in 4.6.1, and if the administration concerned indicates that it needs more time to bring such an assignment into service and has taken the necessary steps to do so, this period may be extended by not more than one year.

4.6.3. On expiry of the period of extension specified in 4.6.2 and should the assignment remain unused, the IFRB shall disregard this assignment in the treatment of future modifications to the Plan and shall enter an appropriate symbol in the Plan. The IFRB shall publish this information in a special section of the weekly circular.

4.6.4. Should the administration concerned decide to bring the assignment into service at a later date, it shall inform the IFRB. Upon receipt of this information, the IFRB shall examine the assignment from the point of view of objectionable interference caused to stations entered in the Plan since the insertion of the symbol referred to in 4.6.3. In cases where the IFRB finds that not objectionable interference will be caused to such stations, it shall delete the symbol. The administration shall notify the assignment in accordance with Article 5 of the Agreement. In cases where the IFRB finds that objectionable interference may be caused, it shall so inform the administration concerned, which shall take appropriate measures to prevent the interference. The symbol shall remain in the Plan until these measures have been taken.

#### *4.7. Master copy of the Plan*

4.7.1. The IFRB shall keep an up-to-date master copy of the Plan as modified in application of the procedure specified in this Article.

4.7.2. The IFRB shall inform the Secretary-General of modifications to the Plan. The Secretary-General shall publish new editions of the Plan

at intervals of two years as from the date of entry into force of the Agreement. Modifications to the Plan shall be published by quarterly recapitulative supplements keeping the format of the Plan.

## Article 5

### *Notification of frequency assignments*

5.1. When an administration proposes to bring into use an assignment in conformity with the Agreement, it shall notify it to the IFRB in accordance with the provisions of Article 12 of the Radio Regulations<sup>1)</sup>). Any such assignment recorded in the Master Register as a result of application of the provisions of Article 12 of the Radio Regulations shall bear a special symbol under the Remarks Column and a date in Column 2a or in Column 2b.

5.2. When relations between Contracting Members are involved, equal consideration shall be given to all frequency assignments brought into use in conformity with the Agreement and recorded in the Master Register, regardless of the date that appears in Column 2a or Column 2b.

5.3. Whenever the IFRB receives an assignment notice which is not in conformity with the Agreement and for which the procedure of Article 4 was not applied, it shall return the notice to the notifying administration.

5.4. Should an administration resubmit the notice having applied the procedure of this Article without reaching agreement with the administrations concerned and insist on reconsideration of its notice, the IFRB shall re-examine the notice. Should the finding remain unchanged, the assignment shall be recorded in the Master Register with an unfavourable finding and a symbol indicating that the entry has been made subject to the reservation that no harmful interference will be caused to assignments in conformity with the Agreement.

## Article 6

### *Special Arrangements*

In order to supplement the procedures provided for under Article 4

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<sup>1)</sup> While recording the notified assignments in the Master Register, the IFRB shall enter the appropriate symbols to indicate that:

- the value recorded for power corresponds to the station power;
- the value recorded for antenna height, in the case of omnidirectional antennas, corresponds to height in electrical degrees.

of the Agreement and to facilitate application of the procedures to improve utilization of the Plan, Contracting Members may conclude or continue special arrangements in conformity with the pertinent provisions of the Convention and the Radio Regulations.

## Article 7

### *Scope of Application of the Agreement*

7.1. The Agreement is binding upon the Contracting Members in their mutual relations, but not in their relations with non-contracting countries.

7.2. Should a Contracting Member make reservations on the application of any provision of the Agreement, the other Contracting Members shall be free to disregard that provision in their relations with the Member that has made the reservations.

## Article 8

### *Approval of the Agreement*

The signatory Members shall notify the Secretary-General of their approval of this Agreement as soon as possible by depositing an instrument of approval; the Secretary-General shall immediately inform the other Members of the Union.

## Article 9

### *Accession to the Agreement*

9.1. Any Member of the Union in Region 2 which has not signed the Agreement may at any time deposit an instrument of accession with the Secretary-General, who shall immediately inform the other Members of the Union. Accession shall apply to the Plan as it stands at the time of accession and shall be made without reservations.

9.2. Accession to the Agreement shall become effective on the date on which the instrument of accession is received by the Secretary-General.

## Article 10

### *Denunciation of the Agreement*

10.1. Any Contracting Member may denounce the Agreement at any time by a notification sent to the Secretary-General, who shall inform the other Members of the Union.

10.2. Denunciation shall become effective one year after the date on which the Secretary-General receives the notification of denunciation.

10.3. On the date on which the denunciation becomes effective, the IFRB shall delete from the Plan the assignments appearing in the name of the Member that has denounced the Agreement.

#### Article 11

##### *Entry into Force of the Agreement*

This Agreement shall enter into force on 1 July 1983 at 0800 hours UTC.

#### Article 12

##### *Duration of the Agreement*

12.1. The Agreement has been established with a view to meeting the requirements of the medium frequency broadcasting service for a period of about 10 years from the date of entry into force of the Agreement.

12.2. The Agreement shall remain in force until it is revised by a competent administrative radio conference of Region 2.

*(Voor ondertekeningen zie na de Slotakte, blz. 26 e.v. van dit Tractatenblad)*

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#### **Final Protocol to the Regional Agreement for the Medium Frequency Broadcasting Service in Region 2**

At the time of signing the Regional Agreement for the Medium Frequency Broadcasting Service in Region 2, the undersigned delegates take note of the following statements forming part of the Final Acts of the Regional Administrative MF Broadcasting Conference (Region 2), Rio de Janeiro, 1981:

#### No. 1

For the Bahamas:

The Delegation of the Bahamas reserves the right of its Government to take such action as it may consider necessary to protect its interests should any Member fail to observe the provisions of the Regional Agreement for the Medium Frequency Broadcasting Service in Region 2, or its Annexes, or the Protocol(s) attached thereto, or should reservations by other countries jeopardize Bahamian broadcasting services.

## No. 2

For the Argentine Republic:

A. The Argentine Republic, exercising its sovereign right over the Malvinas Islands, the South Georgia Islands, the South Sandwich Islands and the Argentine Antarctic, located between 25° and 74° West and South of 60° South, states that:

1. Its Government does not recognize frequency assignments which other administrations may make in the above-mentioned territories, irrespective of the band and service;

2. This statement shall apply particularly to the band between 535 kHz and 1 605 kHz allocated to the broadcasting service under Article 5 of the Radio Regulations and for which a plan had been drawn up at this Regional Administrative Broadcasting Conference;

3. Furthermore, the Argentine delegation reserves its Government's right to take the steps it considers appropriate to ensure the satisfactory development of its broadcasting services in the territories referred to above, should the interests of its country be affected by the decisions of this Conference;

4. The said territories of the Malvinas Islands, the South Georgia Islands and the South Sandwich Islands, which come under the jurisdiction of the National Territory of Tierra del Fuego, the Antarctic and the Islands of the South Atlantic, were occupied by the United Kingdom of Great Britain and Northern Ireland by an act of force, resulting in an illegal situation which has never been accepted by the Argentine Republic;

5. Moreover, the illegality of the occupation of the Malvinas Islands, the South Georgia Islands and the South Sandwich Islands by the United Kingdom has been recognized by the United Nations in General Assembly Resolutions 2065 (XX), 3160 (XXVIII) and 3149 calling for the speeding up of negotiations between the two governments with a view to bringing the colonial situation to an end.

B. The Argentine delegation reserves its Government's right to take any steps it considers necessary to provide and protect its broadcasting services should its interests be affected by the decisions of this Conference, particularly in the event of a Contracting Member notifying an assignment in excess of the interference values resulting from the application of the technical standards of the Regional Agreement for the Medium Frequency Broadcasting Service in Region 2.

C. The Argentine delegation also reserves its Government's right to take any steps it considers appropriate to ensure the provision of its broadcasting services, should any reservations entered by other countries to the Final Acts jeopardize or restrict their satisfactory operation.

## No. 3

For Chile:

The Delegation of the Republic of Chile, considering that its country exercises sovereign rights over the Antarctic territory between 53° and 90° West, in virtue of Supreme Decree No. 1747 of 6 November 1940, states that it does not recognize any frequency assignments made in the name of any other State(s) within that Antarctic territory. The Republic of Chile reserves the right to make use of the radio frequencies which may be assigned under the above-mentioned conditions.

## No. 4

For the Bahamas and Canada:

Canada and the Bahamas, parties to the North American Regional Broadcasting Agreement and participating in the Regional Administrative MF Broadcasting Conference (Region 2), Rio de Janeiro (Brazil), in accordance with the provisions of the International Telecommunication Convention (Malaga-Torremolinos, 1973), express, in signing the Final Acts of this Conference, their firm intention to approve the Regional Agreement adopted by the Conference and to take immediate steps to denounce the North American Regional Broadcasting Agreement under the notification procedure specified in Article I, 3 of the latter Agreement.

In its capacity as depository of the North American Regional Broadcasting Agreement, the Government of Canada will inform without delay the other Governments parties to the said Agreement and the Secretary-General of the International Telecommunication Union of the notifications received under the above-mentioned paragraph.

## No. 5

For the Republic of Colombia:

The delegation of the Republic of Colombia reserves the right of its Government to take such steps as it considers necessary to safeguard its interests should any country fail to comply with the terms of the Regional Agreement for the Medium Frequency Broadcasting Service in Region 2 reached at this Conference, or should reservations entered by other countries jeopardize those broadcasting services in the territories over which the Republic of Colombia exercises full sovereignty.

## No. 6

*For Nicaragua:*

In signing the Final Acts of the Regional Administrative MF Broadcasting Conference (Region 2), Rio de Janeiro, 1981, the delegation of Nicaragua states that:

It does not accept the definition in Document No. 150 whereby the delegation of Colombia laid claim to sovereignty over the Islands of San Andrés and Providencia by expressly requesting their inclusion in noise zone 2; accordingly, it reserves the right to adopt such measures as it may deem appropriate, in virtue of the declaration by the Government of National Reconstruction in Decree No. 324 of 4 February 1980, under which the Government assumes responsibility for recovering, maintaining and defending Nicaragua's national sovereignty and territorial integrity as the inalienable right of all free nations.

Circumstances of history have prevented the people of Nicaragua from properly defending its national integrity, including its territorial waters and continental shelf. Such lack of sovereignty was demonstrated by the imposition on Nicaragua of two treaties which were absolutely contrary to its national interest, namely, the Treaty of Chamorro Bryan of 5 August 1914 and the Treaty of Barcenas-Meneses-Ezguerra, which Nicaragua was forced to sign in 1928 prior to ratification in 1930. Both treaties were imposed under the total political and military occupation of Nicaragua by the United States of America.

Besides being detrimental to the interests of Nicaragua, the Barcenas-Meneses-Ezguerra Treaty implies the occupation of much of its island territory, such as the Islands of San Andrés and Providencia and the surrounding keys.

Although much time has passed since the signing of the Barcenas-Meneses-Ezguerra Treaty, the fact remains that until 19 July 1979, Nicaragua had not recovered its national sovereignty and, prior to the victory of its people, had been unable to defend its island, marine and submarine territory.

The Administration of Nicaragua cannot but seize this opportunity to let the sister people and Government of Colombia know that this reservation is not intended as a slight to a country which we have always loved and respected and whose people were splendidly at one with our country in its struggle for national liberation.

Our intention is to let both the people and the Government of Colombia know that Nicaragua lays claim not to territories which lie within Colombia's continental shelf or within 100-200 miles of its mainland territory, but to areas which geographically, historically and legally form an integral part of Nicaragua's national territory.

The way is therefore clear for dialogue between our two countries, since we believe that a more thorough knowledge of the historical situations which both Colombia and Nigaragua have inherited will make the sister nation of Colombia see the justice of our position; for it is a historical fact that Nicaragua was dispossessed of these territories in a manner both abusive and in all respects contrary not only to the principles of international law but also to the principles which have always governed relations between the countries of Latin America.

Unfortunately, the amendment proposed by the Colombian Administration does not seem to be in keeping with the spirit demonstrated by our country in the paragraph transcribed above.

#### No. 7

For Ecuador:

The delegation of Ecuador to the Regional Administrative MF Broadcasting Conference (Region 2), Rio de Janeiro, 1981 reserves the right of its Government to adopt such measures as it deems appropriate should any decisions taken by this Conference affect its broadcasting services and particularly its stations already in operation.

It further reserves the right of its Government not to accept any decision of this Conference which might affect the exercise of its sovereign rights or any reservation entered by other countries if they are detrimental to the national interests of Ecuador.

#### No. 8

For Grenada:

The delegation of Grenada reserves the right of its Government to take whatever measures it sees fit to safeguard its national broadcasting coverage should other countries fail to observe the technical provisions adopted by the Conference as the means of minimizing interference, or should other countries act in such a manner as to jeopardize Grenada's broadcasting services.

#### No. 9

For the Republic of Panama:

The delegation of Panama states that, should the interests of its country be affected by the decisions of this Conference, the Republic of Panama reserves the right to take any steps it considers necessary,

as a sovereign country throughout the whole of its territory, to ensure the satisfactory development of its national radiocommunication services.

#### No. 10

For Guyana:

*whereas*

the Regional Administrative MF Broadcasting Conference (Region 2), Rio de Janeiro, 1981, does not recognize the specific needs of countries which lack sufficient alternative means in other frequency bands (for example VHF FM);

*and whereas*

the Regional Agreement for the Medium Frequency Broadcasting Service in Region 2 and its associated plan are inconsistent with the principles adopted by the Regional Administrative MF Broadcasting Conference (Region 2) at its First Session, Buenos Aires, 1980, and do not assign frequencies on the basis of equal rights;

the delegation of the Cooperative Republic of Guyana:

- *states* that the signing of the Final Acts of the Regional Administrative MF Broadcasting Conference (Region 2), Rio de Janeiro, 1981, and any subsequent ratification thereof by its Government shall in no way imply acceptance of the values used to determine nominal usable field strength, and

- *reserves* the right of its Government to take any measures (including the use of any frequencies within the band 535-1 605 kHz) it may consider necessary to meet the needs of its National Broadcasting Service.

#### No. 11

For Mexico:

In signing the Final Acts of the Regional Administrative MF Broadcasting Conference (Region 2), Rio de Janeiro, 1981, the delegation of Mexico expresses the intention of its Administration to adhere to the provisions of the Final Acts; however, the Mexican delegation reserves the right of its Government to take any steps it considers appropriate to ensure the satisfactory operation of its MF broadcasting stations should such operation be affected by the failure of any Member of the Union to comply with the provisions of the Final Acts.

## No. 12

For Costa Rica:

The delegation of the Republic of Costa Rica to the Regional Administrative MF Broadcasting Conference (Region 2), Rio de Janeiro, 1981, reserves the right to accept or to reject any decision of this Conference which might affect, in whole or in part, its sovereign right to use the radio spectrum for medium frequency broadcasting within its national territory.

## No. 13

For the Republic of Trinidad and Tobago:

The delegation of the Republic of Trinidad and Tobago reserves on behalf of its Government the right to take whatever steps it deems necessary to protect its broadcasting services should other administrations signatories to the Agreement fail to comply with the provisions of the Regional Agreement for the Medium Frequency Broadcasting Service in Region 2.

## No. 14

For the United States of America:

The United States of America calls attention to the fact that its MF Broadcasting Service is adversely affected to a serious degree by objectionable interference from numerous stations in the Region. In these circumstances, while the United States of America is prepared to fulfil its obligations as a signatory to the Final Acts and to pursue the resolution of incompatibilities between its MF broadcasting stations and those of other countries of Region 2, it is compelled, in view of the seriousness of that interference, to reserve the right to take such action as may prove necessary to assure the provision of needed services to the adversely affected areas if its efforts to eliminate such interference fail to lead to satisfactory solutions.

## No. 15

For the Republic of Venezuela:

The delegation of the Republic of Venezuela states that its Government reserves the right to take any steps it may consider necessary to ensure the development and satisfactory operation of its MF broadcasting service should its interests be affected by the decisions taken at this

Conference, particularly by the application of this Agreement, its complete Annexes and the Resolutions and Recommendations adopted.

It also reserves the right to take any steps it may consider necessary to protect its MF broadcasting service from any adverse consequences of the reservations entered by other administrations or of the failure on the part of any other Member of the Union belonging to Region 2 to accede to the Agreement or, in general, to comply with the provisions adopted at this Conference.

#### No. 16

For Argentina, Brazil, Chile, Colombia, Ecuador, Paraguay, Peru, Uruguay and Venezuela:

The delegations of the following countries Members of the International Telecommunication Union: Argentina, Brazil, Chile, Colombia, Ecuador, Paraguay, Peru, Uruguay and Venezuela, parties to the South American Radiocommunication Agreement of Buenos Aires, 1935, as revised at Santiago de Chile in 1940, and meeting in Rio de Janeiro for the Regional Administrative Conference on MF Broadcasting in the band 535–1 605 kHz (Region 2), which was convened under the provisions of the International Telecommunication Convention (Malaga-Torremolinos, 1973),

*considering*

a) that the Agreement adopted at this Conference contains provisions that are better suited to the current situation and to the development of broadcasting services in the band in question than the earlier Agreement;

b) that Articles 5, 7, 8, 9, 10 and 12 of the South American Radiocommunication Agreement of Buenos Aires, 1935, as revised at Santiago de Chile, 1940, together with Annexes II, III, V, VII and VIII and parts of Annexes IV and VI thereto, deal with technical and planning matters relating to the broadcasting service which are covered by the new Regional Agreement;

c) that under the principles of international law the most recent agreement takes precedence over others dealing with the same subject-matter;

d) that the broadcasting service in the band 535–1 605 kHz will therefore be governed by the provisions of the Regional Agreement adopted at this Conference,

*recognize*

that some parts of the South American Radiocommunication Agreement of Buenos Aires, 1935, as revised at Santiago de Chile, 1940, relating to the broadcasting service, have been superseded by the

provisions of the Regional Agreement on the MF Broadcasting Service (Region 2).

No. 17

For Jamaica:

The delegation of Jamaica reserves the right of its Government to take whatever measures it deems necessary to safeguard its interests should other countries operate their stations in a manner prejudicial to the National Broadcasting Service of Jamaica.

No. 18

For the Republic of Paraguay:

In view of the geographical location of the Republic of Paraguay between countries having large numbers of high-power class A stations giving rise to mutual interference with Paraguayan stations, the Paraguayan delegation accepted reasonable interference values in respect of its stations and moreover reduced the power of most of its transmitters for night-time operation so that all Paraguayan stations could be included in List A of the Plan.

Despite the efforts made by the delegation of Paraguay to achieve that aim, however, Station ZP-70 „RADIO PRIMERO DE MARZO” appears in List B on account of incompatibility with stations belonging to one of the negotiating administrations.

Accordingly, this Delegation reserves the right of its Government to take such measures as it deems appropriate to protect the transmissions of all Paraguayan stations, particularly those of Station ZP-70 „RADIO PRIMERO DE MARZO” so long as it remains in List B.

No. 19

For the United Kingdom of Great Britain and Northern Ireland:

With reference to statement No. 2 made by the Argentine Republic, the Government of the United Kingdom of Great Britain and Northern Ireland have no doubt as to United Kingdom sovereignty over the Falkland Islands, the Falkland Island dependencies and the British Antarctic Territory. In this context attention is drawn to Article IV of the Antarctic Treaty, to which both the United Kingdom and the Argentine Republic are parties, which freezes territorial claims in the Antarctic.

The United Kingdom Government therefore do not accept the decla-

ration of the Argentine Republic claiming to contest United Kingdom sovereignty over the above-mentioned territories. Furthermore the United Kingdom is entitled to have frequencies assigned to it for radio services to be operated from these territories, and would regard any use of frequencies by the Argentine Republic which caused harmful interference to these assignments as a breach of the Convention and the Radio Regulations.

Furthermore, with reference to the claim by the Argentine Republic to have the right to establish its own radiocommunication services in these territories, the United Kingdom wishes to state that it does not recognize the validity of any such claim, and that any notification of a frequency assignment by the Argentine Republic in respect of these territories would be inconsistent with the terms of Resolution 1 adopted by the World Administrative Radio Conference, Geneva, 1979.

The United Kingdom does not accept the assertion in the Argentine statement that „the illegality of the occupation of the Malvinas Islands, the South Georgia Islands and the South Sandwich Islands by the United Kingdom has been recognized by the United Nations”. United Nations Resolutions have simply called for the settlement of the dispute by negotiation between the two Governments.

#### No. 20

For the United Kingdom of Great Britain and Northern Ireland:

The delegation of the United Kingdom of Great Britain and Northern Ireland does not accept reservation No. 3 by Chile insofar as it disputes the sovereignty of Her Majesty's Government over the British Antarctic Territory. Attention is drawn in this context to Article IV of the Antarctic Treaty, which freezes territorial claims in the Antarctic.

#### No. 21

For the Republic of Colombia:

On behalf of its Government, the delegation of the Republic of Colombia, in signing the Final Acts of the Regional Administrative MF Broadcasting Conference, Rio de Janeiro, 1981, and in noting Reservation No. 6 entered by the delegation of Nicaragua, states that it does not in any way accept the claims of the Government of Nicaragua, it having no doubt as to the legitimacy and sovereignty of the Republic of Colombia throughout the whole of its territory.

Moreover, the delegation of Colombia wishes to state, in connection with the claims made by Nicaragua in disregard of the Treaty on Terri-

torial Matters between Colombia and Nicaragua and alleging sovereignty over the Islands of San Andrés and Providencia, that:

1. The Treaty on Territorial Matters between Colombia and Nicaragua was signed in Managua on 24 March 1928, approved in Colombia by Act No. 93 of 1928, and in Nicaragua by an Act of 6 March 1930; the instruments of ratification were exchanged in Managua on 5 May 1930 and the Treaty was subsequently promulgated by Decree No. 993 of 1930.

2. Article One of the Treaty states that:

„The Republic of Colombia recognizes the sovereignty and full dominion of the Republic of Nicaragua over the Mosquito Coast between the Cape of Gracias a Dios and the San Juan river, and over the Islands Mangle Grande and Mangle Chico in the Atlantic (Great Corn Island and Little Corn Island), and the Republic of Nicaragua recognizes the sovereignty and full dominion of the Republic of Colombia over the Islands of San Andrés, Providencia, Santa Catalina and all the remaining islands, islets and keys which form part of the said Archipelago of San Andrés.”.

3. The arguments put forward by Nicaragua in regard to its alleged sovereignty over the Archipelago of San Andrés and Providencia violates the most fundamental principle of international law, *pacta sunt servanda*, according to which any treaty is binding on the contracting parties and must be executed in good faith. It is logical that this principle should constitute the cornerstone of relations between States, since failure by States to recognize the principle of faithful and strict compliance with treaties might seriously jeopardize international peace and security.

4. In claiming to denounce the Treaty, the Government of Nicaragua overlooks the fact that treaties may be terminated only by express or tacit agreement between the contracting parties or in conformity with clear norms of international law.

5. Under international law, a treaty such as that of Esguerra-Barcenas may not be denounced, as may be inferred from Article 56 of the Vienna Convention on the Law of Treaties, on which the International Law Commission commented in the following terms: the inherent nature of some treaties precludes the possibility of the contracting States having intended to allow one party to denounce them or withdraw from them of its own will. This is the case of treaties of the demarcation of territorial borders. (Report of the International Law Commission, Supplement No. 9 (A/6309 and Rev. 1) United Nations, Twenty-first Session, New York, 1966).

6. It must be said once more that the treaty of 1928, being an instrument that defines territorial matters and therefore establishes an objec-

tive regime, is not open to termination. Finally, far from it having been impossible to implement the Treaty, it has been complied with on a frank, cordial and uninterrupted basis.

7. In these conditions, since the Treaty of Esguerra-Barcenas is not an instrument that may be denounced or terminated merely at the will of one of the contracting parties, the Government of Nicaragua must continue to comply with it as it has done hitherto: it has no other alternative. For its part, Colombia will be vigilant in demanding and ensuring compliance with the duties and obligations which are incumbent on both parties, in accordance with international law, under the Treaty on Territorial Matters between Colombia and Nicaragua.

8. The location and characteristics of the Archipelago of San Andrés and Providencia entail territorial waters, a continental shelf and an exclusive economic zone, in accordance with the standards and principles of international law. To affirm that the said Archipelago is situated within the continental shelf of Nicaragua and that it therefore belongs to that country is no less than a legal absurdity.

9. The entire Archipelago of San Andrés and Providencia, including the Corn Islands and the territory included between the Cape Gracias a Dios and the San Juan river, belonged first to the Tierra Firme Kingdom and subsequently to the Viceroyalty of New Granada. Such was the status of those territories in 1810 at the beginning of the struggle for independence. The Governments of Colombia and Nicaragua freely agreed on a valid and complete international treaty and exchanged the instruments for its ratification, under which our country recognized the sovereignty and full dominion of Nicaragua over the Mosquito Coast between the Cape Gracias a Dios and the San Juan river, and over the Great Corn and Little Corn Islands. For its part, the Republic of Nicaragua recognized the sovereignty and full dominion of the Republic of Colombia over the Islands of San Andrés, Providencia, Santa Catalina, and all the remaining islands, islets and keys which form part of the said Archipelago of San Andrés.

The Republic of Colombia will meet its obligations and ensure the respect of its rights under the said instrument.

*(De ondertekeningen van het Slotprotocol zijn dezelfde als de ondertekeningen van de Slotakte, zie blz. 26 e.v. van dit Tractatenblad)*

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D. PARLEMENT

De Overeenkomst, met bijlagen, behoeft ingevolge additioneel artikel XXI, eerste lid, onderdeel b, van de Grondwet, juncto artikel 62, eerste lid, onderdeel a, van de Grondwet naar de tekst van 1972, juncto artikel 16 van de Telegraaf- en Telefoonwet van 11 januari 1904 (*Stb.* 7), laatstelijk gewijzigd bij de wet van 8 oktober 1969 (*Stb.* 468), niet de goedkeuring van de Staten-Generaal.

Artikel 16 luidt thans:

„Wij behouden Ons voor het sluiten van verdragen of overeenkomsten met vreemde Regeringen of besturen, betreffende het telegrafisch of telefonisch verkeer met het buitenland.”.

E. BEKRACHTIGING

Goedkeuring van de Overeenkomst, met bijlagen, is voorzien in artikel 8.

G. INWERKINGTREDING

De bepalingen van de Overeenkomst, met bijlagen, zullen ingevolge artikel 11 op 1 juli 1983 in werking treden.

Wat het Koninkrijk der Nederlanden betreft, zal de Overeenkomst, met bijlagen, alleen voor de Nederlandse Antillen gelden.

J. GEGEVENS

De Internationale Vereniging voor Telecommunicatie is opgericht bij het op 9 december 1932 te Madrid ondertekende Internationaal Verdrag van Madrid; zie voorts rubriek J van *Trb.* 1974, 198.

Van het op 25 oktober 1973 te Malaga-Torremolinos tot stand gekomen Internationaal Verdrag betreffende de Telecommunicatie, met bijlagen, Slotprotocol, additionele Protocollen en Facultatief Protocol, is de Franse tekst geplaatst in *Trb.* 1974, 198; zie ook, laatstelijk, *Trb.* 1982, 68.

Van het op 6 december 1979 te Genève tot stand gekomen Radio-reglement, 1979, met Bijlagen, is de Engelse tekst geplaatst in *Trb.* 1981, 78; zie ook *Trb.* 1982, 137.

De onderhavige Overeenkomst, met bijlagen, is tot stand gekomen tijdens een van 9 november tot 19 december 1981 te Rio de Janeiro gehouden Regionale Administratieve Middengolf Omroepconferentie voor de Amerikaanse Regio (Regio 2).

De tekst van de Slotakte van deze Conferentie luidt als volgt:

**Final Acts of the Regional Administrative MF Broadcasting Conference  
(Region 2),  
Rio de Janeiro, 1981**

The delegates of the Members of the International Telecommunication Union listed below represented at the Regional Administrative MF Broadcasting Conference (Region 2), Rio de Janeiro, 1981, convened in accordance with the International Telecommunication Convention (Malaga-Torremolinos, 1973), have adopted the Final Acts of this Conference which contain the Agreement<sup>1)</sup>, Resolutions and Recommendations.

Argentine Republic, Bahamas (Commonwealth of the), Belize, Brazil (Federative Republic of), Canada, Chile, Colombia (Republic of), Costa Rica, Denmark, Ecuador, United States of America, France, Grenada, Guyana, Jamaica, Mexico, Nicaragua, Panama (Republic of), Paraguay (Republic of), Netherlands (Kingdom of the), Peru, United Kingdom of Great Britain and Northern Ireland, Trinidad and Tobago, Uruguay (Oriental Republic of), Venezuela (Republic of).

These Final Acts shall enter into force on 1 January 1982 except where other dates are specified in any particular provision of the above-mentioned Agreement, Resolutions and Recommendations.

The delegates of the Members of the International Telecommunication Union who sign these Final Acts hereby declare that should any Member of the Union or any other country whose assignments have been included in the Plan fail to observe one or more of the provisions of the Agreement and associated resolutions, no other Member shall be obliged to observe that provision or those provisions in any relations with that particular Member or country concerned.

IN WITNESS WHEREOF, the delegates of the Members of the Union mentioned above have, on behalf of their respective competent authorities, signed these Final Acts in a single copy in the English, French and Spanish languages, in which, in case of dispute, the French text shall prevail. This copy shall remain deposited in the archives of the Union. The Secretary-General shall forward one certified true copy to each Member in Region 2.

DONE at Rio de Janeiro, on 19 December 1981

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<sup>1)</sup> Voor de Engelse tekst van de Overeenkomst zie rubriek B hierboven.

**For the Argentine Republic:**

RICARDO SAIDMAN  
NORBERTO B. SONETTI  
JORGE TABOADA  
JUAN A. AUTELLI  
GRACIELA MEALLA

**For the Commonwealth of the Bahamas:**

KERMIT C. GIBSON

**For Belize:**

A. R. CAMERON  
P. R. A. FULTON

**For the Federative Republic of Brazil:**

ARTHUR CEZAR DE ARAUJO ITUASSU  
LOURENÇO NASSIB CHEHAB

**For Canada:**

GILLES COURTEMANCHE  
EDWARD DUCHARME

**For Chile:**

GERSON ECHAVARRIA M.  
MARCELO NUÑEZ R.

**For the Republic of Colombia:**

ORLANDO GALLO SUAREZ  
GILBERTO RODRIGUEZ BARATO  
PLUTARCO ELIAS BARRAZA-OLIVARES  
JOSE HUMBERTO PULIDO SIERRA  
OSVALDO RODRIGUEZ CADENA  
JOSE GENALDO CESPEDES C.

**For Costa Rica:**

MIGUEL A. LEON S.

**For Denmark:**

E. A. SØNDERGAARD

**For Ecuador:**

MARCELO LASSO GUERRA  
JOSE VIVANCO ARIAS

**For the United States of America:**

K. SCHAEFER  
WILSON A. LA FOLLETTE  
WILLIAM H. JAHN

**For France:**

HUET MARIE  
BISNER RENE  
FONTEYNE JACQUES  
HOWLETT-MARTIN PATRICK

**For Grenada:**

MATTHEW WILLIAM  
RAY SMITH

**For Guyana:**

RONALD E. CASE  
S. Y. MOHAMED

**For Jamaica:**

PHILIP D. CROSS  
ROY R. HUMES

**For Mexico:**

ALFREDO DELGADO JARALILLO

**For Nicaragua:**

LUIS G. LACAYO LACAYO

**For the Republic of Panama:**

JORGE BATISTA CARDENAS

**For the Republic of Paraguay:**

SABINO ERNESTO MONTANARO

**For the Kingdom of the Netherlands:**

H. J. EIKELENBOOM  
J. M. CIJNTJE  
A. R. VISSER

**For Peru:**

DANIEL GARATE MALARIN  
OSCAR RAMOS MONTTOYA  
ADOLFO MOMOSAKI GONGORA

**For the United Kingdom of Great Britain and Northern Ireland:**

P. R. A. FULTON  
A. R. CAMERON

**For Trinidad and Tobago:**

LEO V. McNEILL

**For the Oriental Republic of Uruguay:**

BLAS DENIS  
ROSENDO HERNANDEZ  
Ing. JUAN ZAVATTIERO

**For the Republic of Venezuela:**

HECTOR MIGUEL PALMA NUÑEZ

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Op de Regionale Administratieve Middengolf Omroepconferentie (Regio 2) zijn nog een aantal resoluties en een aanbeveling aangenomen.

– in Resolution No. 1: NOTIFICATION OF ASSIGNMENTS  
RECORDED IN THE PLAN FOR STATIONS IN SERVICE

wordt besloten

“1. that the IFRB consider all the assignments of participating countries in both List A and List B of the Plan<sup>1)</sup> for the stations in service as having been notified on 1 January 1982 to ensure their earliest recording in the Master Register with the above-mentioned date in the appropriate part of column 2;

2. that when an assignment is already recorded in the Master Register with a date in column 2c, the IFRB shall modify the existing entry in conformity with the Plan and retain the existing date in column 2c;

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<sup>1)</sup> Vgl. de voetnoot op blz. 1 van dit *Trb.*

3. in cases where an assignment in the Plan is not yet recorded in the Master Register, the IFRB shall consider 1 January 1982 as the date of bringing into service of the station concerned until the administration notifies the precise date on which it was brought into service;

4. that the IFRB shall request the non-signatory countries to notify the assignments on their stations that are in operation or to confirm that the information submitted for the Basic Inventory is to be considered as notification on 1 January 1982."

- in Resolution No. 3: PROVISIONAL APPLICATION OF ARTICLES 4 AND 5 OF THE AGREEMENT

wordt besloten

"1. that, before the date of entry into force of the Agreement, any administration proposing modifications to the Plan<sup>1)</sup> shall apply the procedure described in Article 4 of the Agreement and take account of the provisions of section 2 of Annex 2 to Resolution No. 2<sup>2)</sup>;

2. that the assignments recorded in the Plan pursuant to this Resolution will have the same status as those introduced in the Plan after the entry into force of the Agreement;

3. that, if the application of Article 4 to a proposed modification under this Resolution involves time limits after the date of entry into force of the Agreement, the stages of the procedure described in Article 4 applied before that date, and the associated time limits, shall be regarded as an application of the Agreement;

4. that if, before the date of entry into force of the Agreement, an administration proposes to bring an assignment appearing in List A of the Plan into service, it shall apply the procedure described in Article 5 of the Agreement."

- in Resolution No. 4: ASSIGNMENTS OF NON-SIGNATORY COUNTRIES IN REGION 2

wordt besloten

"1. that the assignments of non-signatory countries in List B shall bear a symbol to indicate that a signatory country shall not be required to take the assignment into account in transferring its station from List B to List A or in modifying the Plan<sup>1)</sup>; however, for operating stations as at 10 November 1981, this symbol shall be applicable as from 1 August 1982. In the case of participating countries which did not sign the Final Acts, this symbol shall be applicable from 1 January 1982. When the IFRB receives from the non-signatory country a letter undertaking to

<sup>1)</sup> Vgl. de voetnoot op blz. 1 van dit Trb.

<sup>2)</sup> De tekst van deze resolutie is niet afgedrukt.

observe the provisions of Resolutions Nr. 2<sup>1)</sup>, 3 and 4, the symbol shall be deleted in accordance with resolves 5, and the IFRB shall inform by circular telegram all the administrations in the Region of the action taken;

2. that the IFRB shall transfer from List B to List A of the Plan those assignments of List B which were prevented from entering into List A due to an incompatibility with a station bearing the symbol;

3. that the IFRB, using all the means at its disposal, shall endeavour to communicate with the administrations of non-signatory countries and explain:

a) the conditions under which the Conference has included their assignments in the Plan;

b) the benefits which would derive from their accession to the Agreement;

4. that if, as a result of this action, an administration indicates its intention to accede to the Agreement, the IFRB shall:

a) examine the situation of the stations of this country in relation to the assignments in the Plan and,

b) communicate the results of its studies to all the administrations concerned, indicating the interference level which, in its opinion, should be accepted by the acceding country and the names of the countries with which an agreement must be sought;

5. that, when the Secretary-General receives an instrument of accession from a non-signatory administration, or when the IFRB receives the letter referred to in resolves 1, the IFRB shall delete the symbol except in any case where interference is caused to a station in List A;

6. that, when the IFRB is advised by the acceding administration that it has reached the required agreement with the administrations whose assignments in List A of the Plan are affected, it shall publish this information and amend the Plan in accordance with Resolution No. 2.”.

– in Resolution No. 6: ABBREVIATED TITLE OF THE FREQUENCY ASSIGNMENT PLAN FOR THE MF BROADCASTING SERVICE IN REGION 2

wordt besloten

“that the Frequency Assignment Plan for the MF Broadcasting Service in Region 2 shall be referred to as “The Rio de Janeiro Plan”.

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1) De tekst van deze resolutie is niet afgedrukt.

- de tekst van Recommendation No. 3: INTERPRETATION OF THE TERM "HARMFUL INTERFERENCE" IN THE CASE OF THE MF BROADCASTING SERVICE IN REGION 2

luit als volgt:

"The Regional Administrative MF Broadcasting Conference, (Region 2), Rio de Janeiro, 1981,

Noting

that the definition of harmful interference given in Article 1 of the Agreement states, in part, that "Interference which ..... seriously degrades, obstructs or repeatedly interrupts a radiocommunication service";

Considering

a) that the broadcasting service is the only ready means of communication to the general public in the event of abnormal situations such as highway closures, severe weather conditions or other situations of which the public should be urgently informed;

b) that safety of life may well be involved in the event of existing or imminent emergencies including natural disasters such as hurricanes, blizzards, tornadoes, forest fires, or tidal waves, and other disasters such as the escape of toxic chemicals or imminent explosion;

c) that the degradation, obstruction or repeated interruption of satisfactory reception within the protected contour of a broadcasting station is harmful to the interests of the administration concerned, to the station to which the assignment belongs and to the public;

d) that harmful interference can be experienced within the broadcasting service;

Recommends that the IFRB

should consider harmful interference to be the same level of interference as "objectionable interference" as defined in Annex 2<sup>1)</sup> to the Agreement in interpreting the term "harmful interference" in the application of the Radio Regulations to the MF Broadcasting Service in Region 2."

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<sup>1)</sup> Vgl. de voetnoot op blz. 1 van dit *Trb.*

Uitgegeven de zestiende mei 1983.

*De Minister van Buitenlandse Zaken,*  
H. VAN DEN BROEK