

TELECOMMUNICATION: REGIONAL RADIO FOR CENTRAL AMERICA, PANAMA, AND THE CANAL ZONE

Convention signed at Guatemala City December 8, 1938

Senate advice and consent to ratification July 21, 1939

*Ratified by the President of the United States in behalf of the Canal
Zone August 11, 1939*

*Ratification of the United States in behalf of the Canal Zone deposited
at Guatemala City September 8, 1939*

Proclaimed by the President of the United States September 18, 1939

Entered into force October 8, 1939

54 Stat. 1675; Treaty Series 949

REGIONAL RADIO CONVENTION FOR CENTRAL AMERICA, PANAMA AND THE CANAL ZONE, SIGNED IN THE CITY OF GUATEMALA, DECEMBER EIGHTH, ONE THOUSAND NINE HUNDRED AND THIRTYEIGHT

The undersigned, representatives of the Governments of Costa Rica, El Salvador, The United States of America in behalf of the Canal Zone, Guatemala, Honduras, Nicaragua and Panamá, after examination of their credentials, which were found to be in correct and proper form, constitute the Regional Radio Conference of Central America, Panamá and the Canal Zone, as follows:

For the Republic of Costa Rica:

His Excellency Rafael Castro Quezada;

For the Republic of El Salvador:

Messrs. J. Federico Mejía, and Fidel Villacorta;

For the United States of America:

His Excellency Fay Allen Des Portes;

Mr. Harvey B. Otterman;

Lt. Col. David M. Crawford, U.S.A.;

Lt. Cmdr. M. W. Arps, U.S.N.;

Messrs. Gerald C. Gross, and Walter H. McKinney.

For the Republic of Guatemala:

Messrs. Luis Schlesinger Carrera;

Arturo Peralta;
 Jorge F. Sánchez;
 Ramiro Fernández;
 J. B. McElroy;
 Walter C. Bay;

For the Republic of Honduras:
 His Excellency Luciano Milla Cisneros;

For the Republic of Nicaragua:
 His Excellency Hildebrando Castellón;
 Mr. H. J. Phillips, Jr.;

For the Republic of Panamá:
 The Honorable Teodoro Rudeke,

who by common consent, and subject to the ratification of the respective Governments, have concluded in the City of Guatemala, this eighth day of December, one thousand, nine hundred and thirty eight, the following Convention, in accordance with the provisions of Article 7, Paragraph 8, Section 1, Sub-section 3, Division *b*) and *c*) of the General Radio Regulations of Cairo, 1938,¹ annexed to the International Telecommunications Convention of Madrid, 1932:

PART ONE

Allocations

In view of the special requirements of the several states of Central America, Panamá and the Canal Zone with respect to broadcasting, there is established, in the radio frequency band of 2300 kc. to 2400 kc. the following allocation table:

Administrations	Frequencies in Kilocycles	
	<i>Primary</i>	<i>Secondary</i>
Costa Rica	2330	2370
El Salvador	2300	2360
Guatemala	2320	2400
Honduras	2380	2340
Nicaragua	2350	2400
Panamá	2310	2340
The Canal Zone	2390	2370

PART TWO

Engineering Principles

The following basic engineering principles have been adopted in order to arrive at the allocations above specified:

a) The primary frequency assignments to contiguous administrations must be at least twenty (20) kilocycles apart;

¹ 54 Stat. 1419; TS 948, p. 143.

b) The primary and secondary assignments to the same administration must be at least twenty (20) kilocycles apart;

c) The secondary assignments to contiguous administrations should be separated by at least twenty (20) kilocycles, but when necessary secondary assignments to contiguous countries may be only ten (10) kilocycles apart;

d) All broadcast frequency assignments shall end in zero;

e) The power of primary stations and the types of the antennae must be so chosen as to comply with the provisions of Article 7, paragraph 8, Section I, Subsection 3, division *b)* of the General Radio Regulations of Cairo, 1938.

The power of secondary stations is limited to two hundred and fifty (250) watts;

f) All broadcasting stations must comply with the requirements for broadcasting stations as contained in the tolerance table in Appendix I of the General Radio Regulations of Cairo, 1938;

g) Frequencies ending in zero and not assigned as primary frequencies may also be used for tertiary broadcasting on a non-interfering basis. Such use must be modified or discontinued immediately upon notice of interference from the government having priority on the frequency concerned.

PART THREE

Legal Principles

The distribution contained in this Convention is based on the following legal principles:

a) The participating governments consider that this convention has the character of a regional agreement;

b) The governments agree that the band 2300 to 2350 kilocycles is assigned exclusively for broadcasting in General America and Panamá, subject to no interference by any other services in this region.

In this connection, it is agreed that, in time of peace, the military services of land, maritime, or air forces of the United States of America operating in the vicinity of the Panamá Canal Zone will not interfere on channels assigned for broadcasting to the Governments of Central America and Panamá in this band;

c) In order to provide a separate, primary broadcast channel for each of the seven Governments represented at this Conference, with no secondary broadcast channel on the primary channel, it is agreed that the frequency of 2380 kilocycles be assigned to Honduras as a primary broadcast channel, and it is agreed by all governments represented that the assignment to Honduras of a primary frequency in the band 2350 to 2400 kilocycles does not establish a precedent nor limit in any way whatever rights may be held by the United States of America to the use of frequencies in the band 2350 to 2400 kilocycles subject to non-interference from broadcasting stations in Cen-

tral America and Panamá in accordance with the General Radio Regulations of Cairo, 1938.

However, the Government of the United States agrees that, insofar as practicable, its use in the geographical area covered by this Conference of frequencies other than those now in use in the band 2350 to 2400 kilocycles and furnished to the Conference will be on a basis of non-interference to broadcasting in Central America and Panamá.

PART FOUR

General Provisions

a) During the time this Convention is in force, each Government agrees not to use any primary channel assigned to any of the other contracting Governments, except as provided elsewhere in this Convention;

b) The participating Governments acknowledge the right of the military services to use the band of 2300 kilocycles to 2400 kilocycles for military purposes, subject to the provisions and restrictions of paragraphs b) and c), Part Three, of this Convention;

c) The present Convention shall be ratified by the contracting Governments in conformity with their respective constitutional procedures;

d) The ratifications shall be deposited with the Ministry of Foreign Relations of the Government of Guatemala, which shall notify such ratifications, as soon as possible, to the Governments concerned;

e) The present Convention shall become effective, as between the ratifying Governments, thirty days after instruments of ratification have been deposited by at least two of them, with the Ministry of Foreign Relations of the Government of Guatemala;

f) The present Convention may be denounced by notification addressed to the depository Government, which shall become effective as regards the denouncing Government one year after the date of receipt thereof.

The depository Government shall notify all participating Governments, including the denouncing Government, of the denunciations received;

g) The present Convention is drafted in Spanish and English and both texts shall have equal force;

h) The participating Governments recognize that, in spite of the efforts which have been made to arrive at a satisfactory agreement, it is impossible to assure, without actual operation, the completely effective functioning of this agreement, and provision is accordingly made for its revision. Such revision may be made by a future Conference called by a majority of the Governments which have ratified this Convention;

i) Nothing in this agreement shall be construed as precluding the consummation by the United States of America, of other radio agreements concerning the defense of the Canal Zone.

Done in the City of Guatemala, Republic of Guatemala, on the eighth day of December, in the year One Thousand, Nine Hundred and Thirtyeight.

Costa Rica,
R. CASTRO Q.

El Salvador,
J. FEDERICO MEJÍA
FIDEL VILLACORTA

United States of America, in behalf of
the Canal Zone
FAY ALLEN DES PORTES
HARVEY B. OTTERMAN
D. M. CRAWFORD
M. W. ARPS
GERALD C. GROSS

Guatemala,
L. SCHLESINGER CARRERA
J. F. SÁNCHEZ
J. B. McELROY
ARTURO PERALTA
RAMIRO FERNÁNDEZ
WALTER C. BAY

Honduras,
With the reservations made in the
Final Act [translation],²
L. MILLA CISNEROS

Nicaragua,
H. CASTELLÓN
H. J. PHILLIPS, JR.

Panamá,
TEODORO RUDEKE

² The Honduran reservations read, in translation, as follows:

“At this session, the delegate for the Government of Honduras requests that it be recorded in the Final Act that when the convention resulting from this conference was signed, he signed with the appropriate reservations to permit his Government to make any pertinent resolutions, in accordance with the rights it may have under the provisions of the Cairo conference, to which it was signatory.”