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NOTE VERBALE DATED 20 JUNE 1990 FROM THE PERMANENT MISSION OF
CUBA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Permanent Mission of Cuba to the United Nations presents its compliments to the Secretary-General of the United Nations and has the honour to transmit, herewith, the reply of the International Frequency Registration Board of the International Telecommunication Union (ITU) to the Department of State of the United States Government concerning the illegal television broadcasts which that Government is directing against Cuba.

I should be grateful if you would make arrangements to have this letter and its annex issued as a document of the Security Council.

Annex

Reply of the Board to the Department of State
of the United States of America

Co-ordinator and Director of the International Bureau for Communications and Information Policy of the United States, Department of State
Washington, D.C. 20520

Subject: TV broadcasts directed at Cuba

Reference: Letter from the Board 22(PRD)/0.0082/90 of 12 January 1990

Telefax from the Board 22B 1107AO (PRD)/0.0710/90 of 2 April 1990

Your letter sent by telefax dated 16 April 1990

Your letter dated 3 May 1990

Sir:

On behalf of the International Frequency Registration Board I wish to acknowledge receipt of your letter, dated 16 April 1990 addressed to each individual member of the Board, which the Board has considered.

The Board wishes to draw your attention to the following points:

(1) The essential obligations of the Board as listed in article 10 of the International Telecommunication Convention (Nairobi 1982) clearly are not the obligations of the Board, as can be seen from article 80 of the Convention which provides for the execution of any additional task relating to the assignment and utilization of frequencies in accordance with the procedures provided for that purpose in the Radio Regulations. It is evident from Rules 1438 and 1442 of the Regulations that the Board will, if so requested by any Administration, investigate cases of alleged violation or non-observance of the Radio Regulations or of harmful interference.

(2) The telephone conversation between the Chairman and officials of your Department and the discussions with a representative of the United States Mission on 27 March 1990, were not considered to be formal replies to the Board's telefax of 2 April 1990. You will understand that the Board must keep official records of this case in accordance with RR 1016 so that it can make them available under RRH 58 in case any member of the Union wishes to invoke article 50 of the ITU Convention (Nairobi 1982).

(3) Your letter dated 27 February concerning a medium-wave station refers to very different circumstances and could not be considered by the Board as in any way constituting a reply to the Board's letter of 12 January 1990.

Furthermore, the notification form for the registration of Cudjoe Key station submitted with no covering letter - by a representative of the United States Mission to the Chairman - can hardly be called a normal reply to a formal letter.

(4) The exceptional height of the effective antenna with a power of 45.2 dBw means that the distance at which the frequency may be re-used is much greater than normal and is not compatible with the standard land practices on VHF and UHF bands. With regard to time-sharing, this is normally achieved by agreement between the administrations concerned. However, in this case, the hours of operation recorded in the Master International Frequency Register for CD-DE LA HABANA, are 0000-2400 hours and there is no possibility of time-sharing without the agreement of the Cuban administration.

(5) The Board is aware that there are numerous instances throughout the world of stations that use frequencies outside the 3900 to 4000 kHz and 5068 kHz to 41 MHz bands without fully complying with the provisions of RR 2666, but in most cases this is permitted by the administrations concerned; in many cases, these exceptions have been included in regional agreements.

It is the Board's view that, in general, it is up to the administrations concerned to comply with the limitations imposed in RR 2666; however, in the event of an objection, the Board is required to conduct an investigation with regard to this provision.

The Board wishes to reaffirm the views it expressed in its telefax dated 2 April 1990, namely, that station Cudjoe Key is operating in violation of article 158 of the ITU Convention (Nairobi 1982) and of Rules 340, 342 and 2666 of the Radio Regulations.

The Board again requests that you take prompt action to eliminate this harmful interference.

