

N° 2359.

ÉTATS-UNIS D'AMÉRIQUE
ET CANADA

Echange de notes comportant un accord portant réglementation des communications radiotélégraphiques échangées entre les stations expérimentales privées des deux pays. Washington, les 2 octobre 1928 et 29 décembre 1928, et 12 janvier 1929.

UNITED STATES OF AMERICA
AND CANADA

Exchange of Notes constituting an Arrangement governing Radio Communications between private experimental Stations. Washington, October 2, 1928, December 29, 1928, and January 12, 1929.

No. 2359. — EXCHANGE OF NOTES BETWEEN THE GOVERNMENTS OF THE UNITED STATES OF AMERICA AND OF CANADA CONSTITUTING AN ARRANGEMENT GOVERNING RADIO COMMUNICATIONS BETWEEN PRIVATE EXPERIMENTAL STATIONS. WASHINGTON, OCTOBER 2, AND DECEMBER 29, 1928, AND JANUARY 12, 1929.

Texte officiel anglais communiqué par le " Advisory Officer " du Canada auprès de la Société des Nations. L'enregistrement de cet échange de notes a eu lieu le 26 juin 1930. Cet échange de notes a été transmis au Secrétariat par le « Department of State » du Gouvernement des Etats-Unis d'Amérique, le 30 mai 1929.

I.

No. 147.

2 October, 1928.

SIR,

I have the honour to inform you that I have been instructed by the Secretary of State for External Affairs to approach you concerning the negotiation of an Agreement between His Majesty's Government in Canada and the Government of the United States governing radio communications between private experimental stations in the two countries.

The General Regulations annexed to the International Radiotelegraph Convention¹ signed at Washington on November 25, 1927, and approved by His Majesty's Government in Canada, define the conditions under which communications shall be exchanged between Private Experimental Stations (termed Amateur Stations in Canada) of different countries. The relevant provisions in this connection set down under Article 6 of the General Regulations, read as follows :

Article 6.

PRIVATE EXPERIMENTAL STATIONS. .

1. The exchange of communications between private experimental stations of different countries shall be forbidden if the Administration of one of the interested countries has given notice of its opposition to this exchange.

2. When this exchange is permitted the communications must, unless the interested countries have entered into other agreements among themselves, be carried on in plain language and be limited to messages bearing upon the experiments and to remarks of a private nature for which, by reason of their unimportance, recourse to the public telegraph service might not be warranted.

¹ Vol. LXXXIV, page 97 ; vol. XCII, page 412 ; vol. XCVI, page 205 ; et vol. C, page 249, de ce recueil.

¹ TRADUCTION. — TRANSLATION.

N^o 2359. — ÉCHANGE DE NOTES ENTRE LES GOUVERNEMENTS DES ÉTATS-UNIS D'AMÉRIQUE ET DU CANADA COMPORTANT UN ACCORD PORTANT RÉGLEMENTATION DES COMMUNICATIONS RADIOTÉLÉGRAPHIQUES ÉCHANGÉES ENTRE LES STATIONS EXPÉRIMENTALES PRIVÉES DES DEUX PAYS. WASHINGTON, LES 2 OCTOBRE ET 29 DÉCEMBRE 1928, ET 12 JANVIER 1929.

*English official text communicated by the Canadian Advisory Officer accredited to the League of Nations.
The registration of this Exchange of Notes took place June 26, 1930.
This Exchange of Notes was transmitted to the Secretariat by the Department of State of the Government of the United States of America, May 30, 1929.*

I.

N^o 147.*Le 2 octobre 1928.*

MONSIEUR LE SECRÉTAIRE D'ÉTAT,

J'ai l'honneur de vous faire savoir que le Secrétaire d'Etat aux Affaires extérieures m'a chargé d'aborder avec vous la question de la négociation d'un accord entre le Gouvernement de Sa Majesté au Canada et le Gouvernement des Etats-Unis portant réglementation des communications radiotélégraphiques échangées entre les stations expérimentales privées des deux pays.

Le Règlement général annexé à la Convention² radiotélégraphique internationale signée à Washington le 25 novembre 1927 et approuvée par le Gouvernement de Sa Majesté au Canada, détermine les conditions d'après lesquelles pourra s'effectuer l'échange de communications entre les stations expérimentales privées (appelées au Canada stations d'amateurs) des différents pays. Les dispositions qui s'appliquent sous ce rapport et qui se trouvent à l'article 6 du règlement général sont ainsi conçues :

Article 6.

STATIONS EXPÉRIMENTALES PRIVÉES.

1. L'échange de communications entre stations expérimentales privées de pays différents est interdit, si l'administration de l'un des pays intéressés a notifié son opposition à cet échange.

2. Lorsque cet échange est permis, les communications doivent, à moins que les pays intéressés n'aient pris d'autres arrangements entre eux, s'effectuer en langage clair et se limiter aux messages ayant trait aux expériences et à des remarques d'un caractère personnel pour lesquelles, en raison de leur manque d'importance, le recours au service télégraphique public ne saurait entrer en considération.

¹ Traduction du Gouvernement canadien.¹ Translation of the Canadian Government.² Vol. LXXXIV, page 97 ; Vol. XCII, page 412 ; Vol. XCVI, page 205 ; and Vol. C, page 249, of this Series.

Canadian Private Experimental Stations (Amateur) have in the past and are, until the 1st January, 1929, when the new regulations become effective, authorised to exchange certain messages within Canada and with other countries which permit it. Such messages are restricted to those coming within the following general headings, viz :

(1) Messages that would not normally be sent by any existing means of electrical communication and on which no tolls must be charged.

(2) Messages from other Radio stations in isolated points not connected by any regular means of electrical communication ; such messages to be handed to the local office of the Telegraph Company by the Amateur receiving station for transmission to final destination, e.g., messages from Expeditions in remote points such as the Arctic, etc.

(3) Messages handled by Amateur Stations in cases of emergency, e.g. floods, etc., where the regular electrical communication systems become interrupted; such messages to be handed to the nearest point on the established commercial telegraph system remaining in operation.

Formal application has now been made to His Majesty's Government in Canada by Canadian Amateurs requesting that they be permitted to handle messages coming within the classes above outlined with the United States of America and that an Agreement be entered into in this connection, as provided for under Article 6, paragraph 2 of the General Regulations annexed to the Radiotelegraph Convention of Washington, 1927.

It may here be added that the same Agreement is desired with the Philippine Islands, which it is understood will adhere to the Convention through the United States.

I therefore have the honour to request that you may be good enough to inform me whether the competent authorities of the Government of the United States and of the Philippine Islands are prepared to enter into an agreement with His Majesty's Government in Canada as proposed above.

I have the honour to be, with the highest consideration, Sir, Your most obedient, humble servant.

(Signed) Vincent MASSEY.

The Honourable Frank B. Kellogg,
Secretary of State of the United States,
Washington, D.C.

II.

FOR CANADIAN LEGATION.

December 29, 1928.

SIR,

I have the honour to refer to your note of October 2, 1928, in which you ask whether this Government is prepared to enter into an arrangement with His Majesty's Government in Canada, in accordance with paragraph 2 of Article 6 of the General Regulations annexed to the International Radio Convention of November 25, 1927, which would permit Canadian private experimental stations in Canada to handle certain classes of radio messages with the United States and the Philippine Islands after January 1, 1929.

I take pleasure in informing you that the Government of the United States accepts the proposal contained in your note of October 2, last, with the understanding that it will be reciprocal and that the messages to be exchanged will be restricted to those coming within the following general headings :

(1) Messages that would not normally be sent by any existing means of electrical communication and on which no tolls must be charged.

(2) Messages from other radio stations in isolated points not connected by any regular means of electrical communication ; such messages to be handed to the local office of the Telegraph Company by the amateur receiving station for transmission to final destination, e.g., messages from expeditions in remote points such as the Arctic, etc.

(3) Messages handled by amateur stations in cases of emergency e.g. floods, etc., where the regular electrical communication systems become interrupted ; such messages to be handed to the nearest point on the established commercial telegraph system remaining in operation.

This Government interprets the first stipulation above set forth to mean that tolls shall not be accepted by amateurs for messages handled by them and that they shall not compete with commercial radio stations or telegraph lines.

It is the desire of this Government that the arrangement shall apply to the United States and its territories and possessions, including Alaska, the Hawaiian Islands, Porto Rico, the Virgin Islands, the Panama Canal Zone and the Philippine Islands.

This Government considers also that this arrangement should be subject to termination by either Government on sixty days' notice to the other Government, by a further arrangement between the two Governments dealing with the same subject, or by the enactment of legislation in either country inconsistent therewith.

I shall be glad to have you inform me whether these additional provisions are acceptable to your Government. If so, the arrangement will be considered to be effective as of January 1, 1929.

Accept, Sir, the renewed assurance of my highest consideration.

(Signed) Frank B. KELLOGG.

The Honourable
Vincent Massey,
Minister of the Dominion of Canada.

III.

No. 7.

12 January, 1929.

SIR,

I have the honour to acknowledge the receipt of your note of December 29, 1928, concerning the proposal of His Majesty's Government in Canada to enter into an agreement with the Government of the United States in accordance with paragraph 2 of Article 6 of the General Regulations annexed to the International Radio Convention of November 25, 1927, which would permit Canadian private experimental stations in Canada to handle certain classes of radio messages with the United States and the Philippine Islands after January 1, 1929.

It is noted that the Government of the United States accepts the proposal contained in my note Number 147 of October 2, 1928, with the understanding that it will be reciprocal and that the messages to be exchanged will be restricted to those coming within the general headings described in that note.

It is noted also that the Government of the United States interprets the first stipulation set forth in the enumeration of general headings which have just been mentioned to mean that tolls shall not be accepted by amateurs for messages handled by them and that they shall not compete with commercial radio stations or telegraph lines.

His Majesty's Government in Canada observes that it is the desire of the Government of the United States that the arrangement shall apply to the United States and its territories and possessions including Alaska, the Hawaiian Islands, Porto Rico, the Virgin Islands, the Panama Canal Zone and the Philippine Islands.

It is observed also that the Government of the United States considers that this arrangement should be subject to termination by either Government on sixty days' notice to the other Government, by a further arrangement between the two Governments dealing with the same subject, or by the enactment of legislation in either country inconsistent therewith.

I have been instructed to inform you that these additional provisions are acceptable to His Majesty's Government in Canada and that, in consequence, the arrangement will be considered to be effective as of January 1, 1929.

I have the honour to be, with the highest consideration, Sir, Your most obedient, humble servant.

(Signed) Vincent MASSEY.

The Honourable Frank B. Kellogg,
Secretary of State of the United States,
Washington, D.C.

Certified to be a true copy of the original :

O. D. Melon,

For the Secretary of State for External Affairs.