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INTERNATIONAL TELECOMMUNICATION UNION

FINAL ACTS

**of the
Regional Administrative Conference
of the Members of the Union
in the African Broadcasting Area
to abrogate the Regional Agreement
for the African Broadcasting Area
(Geneva, 1963)**

Geneva, 1989



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(Geneva, 1989)

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REGIONAL PROTOCOL

(Geneva, 1989)

PROTOCOL ABROGATING THOSE PARTS OF THE REGIONAL AGREEMENT FOR THE AFRICAN BROADCASTING AREA (Geneva, 1963) WHICH ARE STILL IN FORCE

PREAMBLE

The undersigned Delegates of the Administrations of:

People's Democratic Republic of Algeria, People's Republic of Benin, Burkina Faso, Republic of Cameroon, People's Republic of the Congo, Republic of Côte d'Ivoire, Arab Republic of Egypt, Spain, People's Democratic Republic of Ethiopia, France, Gabonese Republic, Ghana, Republic of Kenya, Republic of Liberia, Socialist People's Libyan Arab Jamahiriya, Democratic Republic of Madagascar, Republic of Mali, Kingdom of Morocco, Mauritius, Islamic Republic of Mauritania, People's Republic of Mozambique, Federal Republic of Nigeria, Republic of Senegal, Kingdom of Swaziland, Republic of Chad, Republic of Zambia, Republic of Zimbabwe,

meeting in Geneva for a Regional Administrative Conference of the Members of the Union in the African Broadcasting Area, convened in conformity with Article 63 in connection with Article 62 of the International Telecommunication Convention (Nairobi, 1982),

mindful of Article 7 of the Regional Agreement for the African Broadcasting Area (Geneva, 1963),

recalling Resolution No. 5 of the Regional Administrative Conference for the Planning of VHF Sound Broadcasting (Region 1 and Part of Region 3) (Geneva, 1984) and the subsequent Protocol – which was signed at Geneva on 13 August 1985 and entered into force on 1 July 1987 – Amending the Regional Agreement for the African Broadcasting Area (Geneva, 1963),

taking into account Resolution No. 967 of the Administrative Council of the International Telecommunication Union, entitled "Regional Administrative Conference of the Members of the Union in the African Broadcasting Area To Abrogate the Regional Agreement for the African Broadcasting Area (Geneva, 1963)",

have adopted, subject to the approval of their Administrations, the following provisions which relate to the abrogation of those parts of the Regional Agreement for the African Broadcasting Area (Geneva, 1963) still in force and which are contained in this Protocol.

ARTICLE 1

Definitions

1. For the purposes of this Protocol, the following terms shall have the meanings defined below:
 - 1.1 *Union*: The International Telecommunication Union.
 - 1.2 *Secretary-General*: The Secretary-General of the *Union*.
 - 1.3 *Convention*: The International Telecommunication Convention (Nairobi, 1982).
 - 1.4 *Radio Regulations*: The Radio Regulations in force at the time of signing of *this Protocol*.
 - 1.5 *African Broadcasting Area*: The area designated as such in Nos. 400 to 403 of the *Radio Regulations*, i.e.:
 - a) African countries, parts of countries, territories and groups of territories situated between the parallels 40° South and 30° North;
 - b) islands in the Indian Ocean west of meridian 60° East of Greenwich, situated between the parallel 40° South and the great circle arc joining the points 45° East, 11°30' North and 60° East, 15° North;
 - c) islands in the Atlantic Ocean east of line B defined in No. 398 of the Radio Regulations, situated between the parallels 40° South and 30° North.
 - 1.6 *Agreement (1963)*: The Regional Agreement for the African Broadcasting Area (Geneva, 1963) concerning the use of frequencies by the broadcasting service in the very high frequency and ultra high frequency bands.
 - 1.7 *Amending Protocol (1985)*: The Protocol amending the *Agreement (1963)* by abrogating certain parts thereof.
 - 1.8 *This Protocol*: The present Regional Protocol (Geneva, 1989) abrogating those parts of the *Agreement (1963)* which are still in force.
 - 1.9 *Regional Agreement (1989)*: Regional Agreement (Geneva, 1989) concerning the planning of VHF/UHF television broadcasting in the African Broadcasting Area and neighbouring countries.
 - 1.10 *Administration*: Any governmental department or service responsible for discharging the obligations undertaken in the *Convention* and the Regulations.

ARTICLE 2

Abrogation of those parts of the Agreement (1963) which are still in force

This Protocol shall abrogate those parts of the Agreement (1963) which are still in force because they were not abrogated by the Amending Protocol (1985).

ARTICLE 3

Entry into Force of this Protocol

This Protocol shall enter into force on 1 July 1992, at 0001 hours UTC, i.e. the date of the entry into force of the Regional Agreement (1989).

ARTICLE 4

Approval of this Protocol

4.1 Any Member of the Union in the African Broadcasting Area which is a Party to the Agreement (1963) and a signatory of this Protocol shall notify its approval of the latter to the Secretary-General as soon as possible and at any rate prior to the entry into force of this Protocol. The Secretary-General shall at once inform the other Members of the Union.

4.2 Any other Member of the Union in the African Broadcasting Area signatory of this Protocol may notify its approval of the latter to the Secretary-General, who shall at once inform the other Members of the Union.

ARTICLE 5

Accession to this Protocol

5.1 Any Member of the Union in the African Broadcasting Area which is a Party to the Agreement (1963) but not a signatory of this Protocol is invited to accede to the latter as soon as possible and to deposit, at any rate prior to the entry into force of this Protocol, an instrument of accession with the Secretary-General, who shall at once inform the other Members of the Union.

5.2 Accession to this Protocol shall be made without reservation and shall become effective on the date on which the instrument of accession is received by the Secretary-General.

ARTICLE 6

Approval of or Accession to the Agreement (1963)

Any Member of the Union in the African Broadcasting Area which approves or accedes to the Agreement (1963) after the adoption of this Protocol shall be considered as also having approved or acceded to this Protocol.

IN WITNESS WHEREOF, the undersigned Delegates of the Members of the Union in the African Broadcasting Area mentioned below have, on behalf of the competent authorities of their respective countries, signed this Protocol in a single copy in the Arabic, English, French and Spanish languages; in case of dispute, the French text shall be authentic. This copy shall remain deposited in the archives of the Union. The Secretary-General shall forward one certified true copy to each Member of the Union in the African Broadcasting Area.

Done at Geneva, 5 December 1989.

For the People's Democratic Republic of Algeria:

M. OUHADJ
A. KHIDER
M. DERRAGUI
B. NAIT-DJOUDI

For the People's Republic of Benin:

AGNAN BARTHELEMY
OTENIA BEATRIX REMY

For Burkina Faso:

ONADIA L. RAPHAEL

For the Republic of Cameroon:

KAMDEM KAMGA EMMANUEL
MAGA RICHARD

For the People's Republic of the Congo:

POUEBA PAUL ALBERT

For the Republic of Côte d'Ivoire:

YAO KOUAKOU JEAN-BAPTISTE
LORN PIERRE
NIAMIEN YEFFE

For the Arab Republic of Egypt:

FAROUK YOUSEF AMER
IBRAHIM A.M. IBRAHIM
ABDOH HAMED EL FAYOUMI

For Spain:

PASCUAL MENÉNDEZ-SÁNCHEZ
CARLOS-LUIS CRESPO MARTÍNEZ

For the People's Democratic Republic of Ethiopia:

GESSESE ABAI

For France:

CHRISTIAN DUTHEIL DE LA ROCHERE
MICHEL POPOT
ALAIN SCHLATTER

For the Gabonese Republic:

YOMBIYENI ISIDORE J.
LEGNONGO JULES
IMOUNGA FRANCIS
NKOGE N'DONG L.

For Ghana:

KOFI ASAFUA JACKSON

For the Republic of Kenya:

KILONZO W.M.
NZOI PETER S.
SIELE W.K.

For the Republic of Liberia:

JULIUS F. HOFF

For the Socialist People's Libyan Arab Jamahiriya:

WALID A. LUFTI
EMHEMED SALEH SEBIE

For the Democratic Republic of Madagascar:

RAKOTOARIVELO BENJAMIN
ANDRIANJAKA EUGÈNE

For the Republic of Mali:

NOUHOU TRAORE
SERIBA BAGAYOKO

For the Kingdom of Morocco:

TOUMI AHMED
HAMMOUDA MOHAMED

For Mauritius:

ST. LAMBERT JOSEPH LEO HERBERT

For the Islamic Republic of Mauritania:

EL HADJ OUMAR OULD MOHAMED VALL

For the People's Republic of Mozambique:

JOÃO JORGE

For the Federal Republic of Nigeria:

DAVID E. MORDI
ISAAC M. WAKOMBO
JULIUS O. FADARE
ILESANMI H. IDOWU
GEOFFREY O. OBI
MUHAMMED S. ABUBAKAR

For the Republic of Senegal:

CHEIKH TIDIANE NDIONGUE
GUILA THIAM
MAKHITAR FALL

For the Kingdom of Swaziland:

DLAMINI DAN SIBANGANI
FINTELMANN HORST
MKHONTA PETROS MLINISELI

For the Republic of Chad:

LAONODJI MBAINODJI G. KEITOTO

For the Republic of Zambia:

MULENGA EDWARD C.
CHILESHE ELIAS
SIMPUNGWE DAVID J.C.
HAMATANGA MUDENDA

For the Republic of Zimbabwe:

DZIMBANHETE FREDSON MATAVIRE
ELLIOTT MUCHIMBIRI
KENNETH HEROLD

RECOMMENDATION No. 1

Revision of No. 703 of the Radio Regulations

The Regional Administrative Conference (Geneva, 1989) of the Members of the Union in the African Broadcasting Area to Abrogate the Regional Agreement for the African Broadcasting Area (Geneva, 1963),

considering

- a) that the Second Session of the Regional Administrative Conference for the Planning of VHF/UHF Television Broadcasting in the African Broadcasting Area and Neighbouring Countries, meeting concurrently with the present Conference, is finalizing an Agreement and an associated Plan (Regional Agreement, Geneva, 1989) for use by television broadcasting in certain frequency bands which do not include the band 862 - 960 MHz;
- b) that from the date of its entry into force, the Agreement referred to in *considering a)* will in fact replace, as far as television broadcasting in the African Broadcasting Area is concerned, the Regional Agreement (Geneva, 1963);
- c) that the parts of the Regional Agreement (Geneva, 1963) relating to VHF/UHF sound broadcasting stations were abrogated by the Protocol (Geneva, 1985) amending that Agreement, that Protocol having entered into force on 1 July 1987;
- d) that this Conference is abrogating, by the Protocol it is adopting, the remaining parts of the Regional Agreement (Geneva, 1963) which are still in force and relate to television broadcasting;
- e) that the abrogation of those remaining parts of the Regional Agreement (Geneva, 1963) will become effective on 1 July 1992, at 0001 hours UTC, i.e. the date on which the Regional Agreement (Geneva, 1989) and the Protocol referred to in *considering d)* above enter into force,

noting

1. that the Regional Agreement (Geneva, 1989) does not contain provisions for the use of the band 862 - 960 MHz, allocated to the broadcasting service in the African Broadcasting Area excluding Algeria, Egypt, Libya and Morocco, in accordance with the first sentence of No. 703 of the Radio Regulations;
2. that, in accordance with the second sentence of the same No. 703, the operation of stations of the broadcasting service, in the area referred to in *noting 1* above, "shall be in accordance with the Final Acts of the African VHF/UHF Broadcasting Conference (Geneva, 1963)", which provide for the operation of television stations in the band 862 - 960 MHz,

thus realizing

that with the abrogation of the Regional Agreement (Geneva, 1963), by the Protocol referred to in *considering d)* and *e)* above, the band 862 - 960 MHz may no longer be used in accordance with the second sentence of No. 703 of the Radio Regulations by stations of the television broadcasting service in the countries to which it is allocated,

recommends

that a future competent world administrative radio conference should take the necessary action to modify No. 703 of the Radio Regulations, for example by deleting the second sentence thereof,

requests

the Administrative Council to take the necessary steps to place on the agenda of a future competent world administrative radio conference the revision of No. 703 of the Radio Regulations, having regard to the contents of the present Recommendation.

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