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EXECUTIVE AGREEMENT SERIES, No. 66

RADIO COMMUNICATIONS  
BETWEEN AMATEUR STATIONS  
ON BEHALF OF THIRD PARTIES

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ARRANGEMENT  
BETWEEN THE UNITED STATES OF AMERICA  
AND PERU

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*Effected by Exchange of Notes  
Signed February 16 and May 23, 1934  
Effective May 23, 1934*



UNITED STATES  
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The present number in the Executive  
Agreement Series may be filed in the  
Treaty Series after Treaty Series No. 865.



*The American Ambassador (Dearing) to the Peruvian Minister  
for Foreign Affairs (Polo)*

No. 562

EMBASSY OF THE UNITED STATES OF AMERICA,

*Lima, February 16, 1934.*

EXCELLENCY :

Upon instructions from my Government, I have the honor to bring the following matter to Your Excellency's attention:

An important restriction upon the international exchange of messages by amateur radio stations on behalf of third parties was incorporated in Article 8 of the Radio Regulations annexed to the International Telecommunication Convention of Madrid, of which Sections 1 and 2 read as follows:

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

"§2. (1) When this exchange is permitted, the communications must be carried out in plain language and be limited to messages having to do with experiments and remarks of a private nature for which, by reason of their unimportance, there could be no question of resorting to the public telegraph service. Owners of amateur stations shall be strictly prohibited from transmitting international communications emanating from third parties.

"(2) The above provisions may be modified by special arrangements between the interested countries."

This prohibition upon the exchange of third party messages was not contained in the earlier Radio Regulations, and in deference to the wishes of those governments which might wish to permit the international exchange of such messages, the provision permitting the relaxation of the prohibition by special arrangements was introduced.

The Radio Regulations of Madrid were signed on behalf of Peru and the United States, but they have not yet been ratified by the United States, nor so far as my Government is aware, have they been ratified by Peru. In view of the possible future ratification of the Regulations, however, it is believed desirable to keep the prohibition above quoted from applying at the time of such ratification to messages transmitted by amateur radio stations on behalf of third parties.

In recognition of the important services which amateurs have rendered in the development of radio, my Government is suggesting

to a number of other governments the conclusion of agreements which would give radio amateurs some relaxation from the restriction introduced at Madrid by authorizing, within narrow limits, the exchange of messages on behalf of third parties. Such relaxation of the restriction, however, would be of a kind which would not permit radio amateurs to compete with public or commercial radio or telegraph systems.

The proposed agreement refers only to messages exchanged on behalf of third parties, for, under the Madrid regulations, operators of amateur stations may exchange international messages on their own behalf in the absence of a prohibition upon such exchange by one of the interested governments.

I therefore suggest to Your Excellency, and my Government hopes that that of Peru will agree to, an exchange of notes in the following terms:

"Amateur radio stations of Peru and of the United States may interchange messages on behalf of third parties, provided that such messages shall be of the character that would not normally be sent by any existing means of electrical communication or except for the availability of the amateur stations, and on which no compensation must be directly or indirectly paid.

"This arrangement shall apply to the United States and its territories and possessions including Alaska, the Hawaiian Islands, Puerto Rico, the Virgin Islands, the Panama Canal Zone and the Philippine Islands.

"This arrangement shall be subject to termination by either government on sixty days' notice to the other government, by further arrangement between the two governments dealing with the same subject, or by the enactment of legislation in either country inconsistent therewith."

I avail myself of this occasion to extend to Your Excellency the renewed assurance of my highest consideration.

FRED MORRIS DEARING

His Excellency

DOCTOR SOLON POLO,

*Minister for Foreign Affairs,*

*Lima, Peru.*

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*The Peruvian Minister for Foreign Affairs (Polo) to the American Ambassador (Dearing)*

Número 50.

MINISTERIO DE RELACIONES EXTERIORES,

*Lima, 23 de mayo de 1934.*

SEÑOR EMBAJADOR:

Tengo a honra referirme a la estimable nota de Vuestra Excelencia No. 562, en la que se sirvió sugerir un intercambio de notas entre la

Embajada a su digno cargo y este Ministerio, sobre el envío de mensajes de terceros por las estaciones de radio de amateurs en la forma siguiente:

“Las estaciones de radio de amateurs del Perú y de los Estados Unidos pueden efectuar el intercambio de mensajes a terceros, con tal que dichos mensajes sean de tal clase que no puedan ser enviados por cualquier medio existente de comunicación eléctrica o excepto para el aprovechamiento de las estaciones de ameterus y para los que no haya que pagar compensación alguna directa o indirectamente.”

“Este acuerdo se aplicará en los Estados Unidos y sus territorios y posesiones incluyendo Alaska, Las Islas Hawai, Puerto Rico, Isla de la Virgen, la Zona del Canal de Panamá y las Islas Filipinas.”

“Cualquiera de los Gobiernos podrá poner fin a este acuerdo con un aviso previo de sesenta días dado por un Gobierno al otro, por un nuevo arreglo entre los dos Gobiernos concerniente al mismo asunto, o por la promulgación de una ley en cualesquiera de los países, contraria a dicho acuerdo.”

Me es grato manifestar a Vuestra Excelencia que mi Gobierno acepta gustoso la propuesta que ha tenido a bien transmitir en su citada nota, en los términos que anteceden.

Aprovecho la oportunidad para reiterarle, señor Embajador, las seguridades de mi más alta y distinguida consideración.

SOLÓN POLO.

Al Excelentísimo señor

FREDN MORRIS DEARING,

*Embajador Extraordinario y Plenipotenciario  
de los Estados Unidos de América.*

*Ciudad.*

[Translation]

No. 50

MINISTRY OF FOREIGN RELATIONS,  
*Lima, May 23, 1934.*

MR. AMBASSADOR:

I have the honor to refer to Your Excellency's kind note No. 562, in which you were good enough to suggest an interchange of notes between the Embassy under your worthy charge and this Ministry, concerning the transmission of messages of third parties by amateur radio stations in the following form:

“Amateur radio stations of Peru and of the United States may interchange messages on behalf of third parties, provided that such messages shall be of the character that would not normally be sent by any existing means of electrical communication or except for the availability of the amateur stations, and on which no compensation must be directly or indirectly paid.

“This arrangement shall apply to the United States and its territories and possessions including Alaska, the Hawaiian Islands,

Puerto Rico, the Virgin Islands, the Panama Canal Zone and the Philippine Islands.

"This arrangement shall be subject to termination by either government on sixty days' notice to the other government, by further arrangement between the two governments dealing with the same subject, or by the enactment of legislation in either country inconsistent therewith."

I take pleasure in advising Your Excellency that my Government gladly accepts the proposal that you have been good enough to make in your note above mentioned, in the foregoing terms.

I avail myself of the opportunity to renew to you, Mr. Ambassador, the assurances of my highest and most distinguished consideration.

SOLÓN POLO

His Excellency

Mr. FRED MORRIS DEARING,

*Ambassador Extraordinary and Minister Plenipotentiary  
of the United States of America,  
City.*