

**No. 51044**

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**United States of America  
and  
Afghanistan**

**Agreement between the United States of America and Afghanistan for the establishment and operation of United States radio transmitting facilities in Afghanistan (with annexes). Washington, 3 October 2002**

**Entry into force:** *3 October 2002 by signature, in accordance with article XVIII*

**Authentic text:** *English*

**Registration with the Secretariat of the United Nations:** *United States of America, 15 July 2013*

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**États-Unis d'Amérique  
et  
Afghanistan**

**Accord entre les États-Unis d'Amérique et l'Afghanistan concernant l'établissement et l'exploitation d'installations de radiodiffusion des États-Unis en Afghanistan (avec annexes). Washington, 3 octobre 2002**

**Entrée en vigueur :** *3 octobre 2002 par signature, conformément à l'article XVIII*

**Texte authentique :** *anglais*

**Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies :** *États-Unis d'Amérique, 15 juillet 2013*

[ ENGLISH TEXT – TEXTE ANGLAIS ]

## **Agreement**

### **Between the United States of America and Afghanistan for the Establishment and Operation of United States Radio Transmitting Facilities in Afghanistan.**

The United States of America (hereinafter referred to as “the United States”) and Afghanistan (hereinafter referred to as “Afghanistan”) (collectively referred to as the “Parties”):

- Desiring to further their mutual interest in promoting international understanding and cooperation, and the exchange and dissemination of information through communication technologies;
- Having expressed their desire to cooperate in order to facilitate the restoration, in Afghanistan, of a radio transmitting facility permitting the broadcast of United States Government-funded medium-wave (MW) broadcasts;
- Desiring to facilitate the installation of Frequency Modulation (FM) transmitting facilities in Kabul and, at the option of the United States, in up to four (4) additional cities in Afghanistan;
- Having expressed the desire to create opportunities for future short-wave (SW) broadcasting from existing or new facilities within Afghanistan;
- Recognizing that the restoration and installation of such facilities requires the conclusion of an agreement between the Parties that may be supplemented as necessary by technical annexes on the various facets of this cooperation;

Have agreed as follows:

## **ARTICLE I**

### **PURPOSE**

In accordance with the terms of this Agreement, Afghanistan grants the United States the right to the exclusive use of an existing medium-wave (MW) radio transmitting facility at Pol-e Charkhi near Kabul intended for the broadcasting of United States Government-funded radio programming. The United States will repair, refurbish, or replace broadcasting equipment, as necessary, in accordance with the terms of this Agreement.

Afghanistan also grants the United States the rights to install and operate FM radio transmitting facilities from which both the United States and Afghanistan may broadcast in Kabul and, at the option of the United States, in up to four (4) additional cities in Afghanistan. This Agreement supercedes the agreement between the Parties dated April 24, 2002, establishing FM transmission facilities in Kabul.

## ARTICLE II

### TECHNICAL COMPONENTS

- A. As requested by the United States, the MW transmitting facility shall consist of:
- 1) One (1) 400-kilowatt MW transmitter and antenna for operation at 1296 kHz, related broadcast and facility equipment and utility services as may be necessary for proper broadcasting. This facility shall be collocated at the Radio TV Afghanistan (hereinafter referred to as "RTV Afghanistan") transmitting facility at Pol-e Charkhi near Kabul.
  - 2) A telecommunications infrastructure to support the needs of the transmitting facility including, but not limited to, a transmit/receive satellite earth-station.

Annex "A" contains a list of major items of new equipment that will be furnished and installed by the United States. Annex "A" also describes the new equipment that the United States will grant to Afghanistan pursuant to Article XVII. As provided by separate agreement between the United States Broadcasting Board of Governors (hereinafter referred to as the "BBG") and RTV Afghanistan as stated in Annex "C," the United States agrees to be responsible for the operation and maintenance and security costs for both BBG's and RTV Afghanistan's MW transmitters in an amount not to exceed \$400,000 (four hundred thousand) United States Dollars ("USD") for each of the first five (5) years of the Agreement. Thereafter, the United States will pay \$360,000 (three hundred and sixty thousand) USD for the operation and maintenance and security costs for the BBG MW transmitter for the remainder of the term of this Agreement and any extensions thereto. For the duration of the term of this Agreement and any extensions thereto, the Parties shall pay the cost for electric power in accordance with the terms described in Article XII. For the duration of the term of this Agreement and any extensions thereto, the Parties will pay for the cost for the spare parts for their respective MW transmitter and associated equipment.

B. As requested by the United States, the FM transmitting facilities shall consist of two transmitters, one for the United States and one for Afghanistan, and associated transmission equipment including a satellite earth station for program feeds for both the United States and Afghanistan, in Kabul and, at the option of the United States, in up to four (4) additional cities in Afghanistan. The United States, upon successful installation, grants Afghanistan immediate ownership of the FM transmitters dedicated for use by Afghanistan. As provided in a separate agreement between the BBG and RTV Afghanistan, the United States will pay a total of \$500 (five hundred) USD per month to RTV Afghanistan for the operation and maintenance costs for all FM transmitters owned and operated by the United States including the transmitter in Kabul and, at the option of the United States, in up to four additional cities in Afghanistan. Afghanistan shall be responsible for the provision of and costs for power, operation and maintenance, and spare parts (other than those initially provided by the United States) for the new FM equipment granted to Afghanistan listed in Annex "A," A.2.

### **ARTICLE III**

#### **FUTURE EXPANSION OF THE FACILITIES**

Any expansion of the use of the radio transmitting facilities shall require the official consent of Afghanistan, which must be requested in advance by the United States. In the future, the United States may, upon request, be allowed the use of existing or new short wave broadcasting facilities on terms mutually agreed upon between the Parties.

When telecommunications services (such as international telephone circuits) in Afghanistan are restored, RTV Afghanistan shall provide, at the time of such restoration, any such services to the United States at non-discriminatory commercial rates available.

The Parties shall meet to discuss the expansion measures to be taken related to any event stated above and the amendments, if any, to be made to this Agreement. Any such amendments shall be agreed to by the Parties in writing.

### **ARTICLE IV**

#### **LICENSING**

In accordance with its domestic laws and regulations, Afghanistan, within 30 (thirty) calendar days of the entry into force of this Agreement, shall grant the United States:

- 1) All necessary broadcasting licenses, subject to compliance with the terms and conditions set forth in this Agreement;
- 2) The assignment of, and the exclusive right to utilize, 1296 kilohertz (kHz) for medium-wave amplitude-modulation (AM) broadcasting at 400 kilowatts (kW), 24 hours per day, each day of the year;
- 3) The assignment of, and the exclusive right to utilize, 100.5 megahertz (MHz) for frequency-modulation (FM) broadcasting at 1 kW in Kabul and, if feasible, in each of up to four (4) additional cities in Afghanistan, 24 hours per day, each day of the year;
- 4) The right to use a two way satellite communications system at the MW transmitting facility for program feeds and remote monitoring of transmitter performance; and
- 5) The right to broadcast United States Government-funded programs in Arabic, Pashto, Dari or other appropriate languages.

In recognition of Afghanistan's right to regulate telecommunications within its borders, the United States may not utilize the facilities for the purpose of trading or leasing broadcast time to any other country without prior written approval from Afghanistan.

## **ARTICLE V**

### **FREQUENCY REGISTRATION**

At the request of the United States, Afghanistan shall take all measures necessary, on behalf of the United States, to register the 1296 kHz frequency with the International Telecommunication Union ("ITU"), and other pertinent entities, and to keep such registration current. The United States agrees to prepare the appropriate forms for Afghanistan to submit to the ITU to assign the 1296 kHz frequency for use from Kabul.

## **ARTICLE VI**

### **INTERFERENCE**

The United States shall endeavor to ensure that broadcasts from the MW radio transmitting facility will not interfere with any scheduled broadcasts of Afghanistan or neighboring countries.

Afghanistan shall take appropriate actions to ensure that any agreement or action it subsequently enters into will not interfere with or cause interference with the 1296 kHz frequency assigned to the United States under this Agreement.

The United States and Afghanistan agree to jointly challenge, at the appropriate level, including international telecommunications regulatory authorities, any intentional harmful interference with the 1296 kHz frequency by any entity, state or person, known or unknown.

## **ARTICLE VII**

### **PROGRAMMING CONTENT**

The United States will be solely responsible for the content of the United States Government-funded programs transmitted at any of the broadcasting facility sites designated for its use.

The United States will endeavor to refrain from transmitting programs from the facilities that are detrimental to the national interests of Afghanistan.

## **ARTICLE VIII**

### **UNITED STATES PROPERTY**

Except as otherwise stated herein, the supplies, materials, equipment, and parts introduced into or acquired in Afghanistan by the United States or its agents for its use at the Pol-e Charkhi and other transmitting facilities shall be and shall remain the property of the United