

No. 17948. CONVENTION ON THE INTERNATIONAL MARITIME SATELLITE ORGANIZATION (INMARSAT). CONCLUDED AT LONDON ON 3 SEPTEMBER 1976<sup>1</sup>

N° 17948. CONVENTION PORTANT CRÉATION DE L'ORGANISATION INTERNATIONALE DE TÉLÉCOMMUNICATIONS MARITIMES PAR SATELLITES (INMARSAT). CONCLUE À LONDRES LE 3 SEPTEMBRE 1976<sup>1</sup>

AMENDMENTS<sup>2</sup> to the above-mentioned Convention (with amendments to the Operating Agreement<sup>3</sup>), adopted by the Assembly of INMARSAT on 16 October 1985

Came into force on 13 October 1989, i.e., 120 days after their acceptance by two thirds of the Parties to the Convention at the time of the adoption of the amendments (15 June 1989), and representing at least two thirds of the total investment shares, in accordance with article 34 (2).

*Authentic texts of the amendments: English, French, Spanish and Russian.*

*Certified statement was registered by the International Maritime Organization on 7 February 1990.*

AMENDEMENTS<sup>2</sup> à la Convention susmentionnée (avec amendements à l'Accord d'exploitation<sup>3</sup>), adoptés par l'Assemblée d'INMARSAT le 16 octobre 1985

Entrés en vigueur le 13 octobre 1989, soit 120 jours après leur acceptation par les deux tiers des Parties à la Convention à la date de l'adoption des amendements (15 juin 1989), et représentant au moins les deux tiers du total des parts d'investissement, conformément au paragraphe 2 de l'article 34.

*Textes authentiques des amendements : anglais, français, espagnol et russe.*

*La déclaration certifiée a été enregistrée par l'Organisation maritime internationale le 7 février 1990.*

<sup>1</sup> United Nations, *Treaty Series*, vol. 1143, p. 105, and annex A in volumes 1153, 1198, 1225, 1266, 1323, 1355, 1391, 1406, 1428, 1456, 1492, 1515 and 1555.

<sup>2</sup> *Ibid.*, vol. 1143, p. 104.

<sup>3</sup> *Ibid.*, vol. 1143, p. 104.

<sup>1</sup> Nations Unies, *Recueil des Traités*, vol. 1143, p. 105, et annexe A des volumes 1153, 1198, 1225, 1266, 1323, 1355, 1391, 1406, 1428, 1456, 1492, 1515 et 1555.

<sup>2</sup> *Ibid.*, vol. 1143, p. 104.

<sup>3</sup> *Ibid.*, vol. 1143, p. 104.

AMENDMENTS TO THE CONVENTION ON THE  
INTERNATIONAL MARITIME SATELLITE ORGANIZATION  
(INMARSAT)

**PREAMBLE**

At the end of the Preamble, the following new paragraph is added:

Affirming that a maritime satellite system shall also be open for aeronautical communications for the benefit of aircraft of all nations,

**ARTICLE 1 Definitions**

In Article 1, the following new paragraph (h) is added:

(h) "Aircraft" means any machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earth's surface.

**ARTICLE 3 Purpose**

Article 3, paragraphs (1) and (2) are replaced by the following text:

(1) The purpose of the Organization is to make provision for the space segment necessary for improving maritime communications and, as practicable, aeronautical communications, thereby assisting in improving communications for distress and safety of life, communications for air traffic services, the efficiency and management of ships and aircraft, maritime and aeronautical public correspondence services and radiodetermination capabilities.

(2) The Organization shall seek to serve all areas where there is need for maritime and aeronautical communications.

**ARTICLE 7 Access to Space Segment**

Article 7, paragraphs (1) and (2) are replaced by the following text:

(1) The INMARSAT space segment shall be open for use by ships and aircraft of all nations on conditions to be determined by the Council. In determining such

conditions, the Council shall not discriminate among ships or aircraft on the basis of nationality.

(2) The Council may, on a case-by-case basis, permit access to the INMARSAT space segment by earth stations located on structures operating in the marine environment other than ships, if and as long as the operation of such earth stations will not significantly affect the provision of service to ships or aircraft.

#### **ARTICLE 8 Other Space Segments**

Article 8, paragraph (1) is replaced by the following text:

(1) A Party shall notify the Organization in the event that it or any person within its jurisdiction intends to make provision for, or initiate the use of, individually or jointly, separate space segment facilities to meet any or all of the maritime purposes of the INMARSAT space segment, to ensure technical compatibility and to avoid significant economic harm to the INMARSAT system.

#### **ARTICLE 12 Assembly - Functions**

Article 12, sub-paragraph (1)(c) is replaced by the following text:

(c) Authorize, on the recommendation of the Council, the establishment of additional space segment facilities the special or primary purpose of which is to provide radiodetermination, distress or safety services. However, the space segment facilities established to provide maritime and aeronautical public correspondence services can be used for telecommunications for distress, safety and radiodetermination purposes without such authorization.

#### **ARTICLE 15 Council - Functions**

Article 15, paragraphs (a), (c) and (h) are replaced by the following text:

(a) Determination of maritime and aeronautical satellite telecommunications requirements and adoption of policies, plans, programmes, procedures and measures for the design, development, construction, establishment, acquisition by purchase or lease, operation, maintenance and utilization of the INMARSAT space segment, including the procurement of any necessary launch services to meet such requirements.

(c) Adoption of criteria and procedures for approval of earth stations on land, on ships, on aircraft, and on structures in the marine environment for access to the INMARSAT space segment and for verification and monitoring of performance of earth stations having access to and utilization of the INMARSAT space segment. For earth stations on ships and aircraft, the criteria should be in sufficient detail for use by national licensing authorities, at their discretion, for type-approval purposes.

(h) Determination of arrangements for consultation on a continuing basis with bodies recognized by the Council as representing shipowners, aircraft operators, maritime and aeronautical personnel and other users of maritime and aeronautical telecommunications.

#### ARTICLE 21 Inventions and Technical Information

Article 21, sub paragraphs (2)(b) and (7)(b)(i) are replaced by the following text:

(2)

(b) The right to disclose and to have disclosed to Parties and Signatories and others within the jurisdiction of any Party such inventions and technical information, and to use and to authorize and to have authorized Parties and Signatories and such others to use such inventions and technical information without payment in connexion with the INMARSAT space segment and any earth station on land, ship or aircraft operating in conjunction therewith.

(7)

(b) (i) Without payment in connexion with the INMARSAT space segment or any earth station on land, ship or aircraft operating in conjunction therewith.

#### ARTICLE 27 Relationship with other International Organizations

Article 27 is replaced by the following text:

The Organization shall co-operate with the United Nations and its bodies dealing with the Peaceful Uses of Outer Space and Ocean Area, its Specialized Agencies, as well as other international organizations, on matters of common interest. In particular the Organization shall take into account the relevant international standards, regulations, resolutions, procedures and recommendations of the International Maritime Organization and the International Civil Aviation Organization. The Organization shall observe the relevant provisions of the International

Telecommunication Convention and regulations made thereunder, and shall in the design, development, construction and establishment of the INMARSAT space segment and in the procedures established for regulating the operation of the INMARSAT space segment and of earth stations give due consideration to the relevant resolutions, recommendations and procedures of the organs of the International Telecommunication Union.

#### **ARTICLE 32 Signature and Ratification**

Article 32, paragraph (3) is replaced by the following text:

(3) On becoming a Party to this Convention, or at any time thereafter, a State may declare, by written notification to the Depositary, to which Registers of ships, to which aircraft operating under its authority, and to which land earth stations under its jurisdiction, the Convention shall apply.

#### **ARTICLE 35 Depositary**

Article 35, paragraph (1) is replaced by the following text:

(1) The Depositary of this Convention shall be the Secretary-General of the International Maritime Organization.

**AMENDMENTS TO THE OPERATING AGREEMENT ON THE  
INTERNATIONAL MARITIME SATELLITE ORGANIZATION (INMARSAT)**

**ARTICLE V Investment Shares**

Article V, paragraph (2) is replaced by the following text:

(2) For the purpose of determining investment shares, utilization in both directions shall be divided into two equal parts, a ship or aircraft part and a land part. The part associated with the ship or aircraft where the traffic originates or terminates shall be attributed to the Signatory of the Party under whose authority the ship or aircraft is operating. The part associated with the land territory where the traffic originates or terminates shall be attributed to the Signatory of the Party in whose territory the traffic originates or terminates. However, where, for any Signatory, the ratio of the ship and aircraft parts to the land parts exceeds 20:1, that Signatory shall, upon application to the Council, be attributed a utilization equivalent to twice the land part or an investment share of 0.1 percent, whichever is higher. Structures operating in the marine environment, for which access to the INMARSAT space segment has been permitted by the Council, shall be considered as ships for the purpose of this paragraph.

**ARTICLE XIV Earth Station Approval**

Article XIV, paragraph (2) is replaced by the following text:

(2) Any application for such approval shall be submitted to the Organization by the Signatory of the Party in whose territory the earth station on land is or will be located, or by the Party or the Signatory of the Party under whose authority the earth station on a ship or an aircraft or on a structure operating in the marine environment is licensed or, with respect to earth stations located in a territory or on a ship or an aircraft or on a structure operating in the marine environment not under the jurisdiction of a Party, by an authorized telecommunications entity.

**ARTICLE XIX Depositary**

Article XIX, paragraph (1) is replaced by the following text:

(1) The Depositary of this Agreement shall be the Secretary-General of the International Maritime Organization.