

No. 30483

MULTILATERAL

International Agreement on the use of INMARSAT ship earth stations within the territorial sea and ports. Concluded at London on 16 October 1985

Authentic texts: English, French, Russian and Spanish.

Registered by the International Maritime Satellite Organization on 10 November 1993.

MULTILATÉRAL

Projet d'Accord international sur l'utilisation des stations terriennes INMARSAT de navires dans les limites de la mer territoriale et des ports. Conclu à Londres le 16 octobre 1985

Textes authentiques : anglais, français, russe et espagnol.

Enregistré par l'Organisation internationale des télécommunications maritimes par satellites le 10 novembre 1993.

INTERNATIONAL AGREEMENT¹ ON THE USE OF IMMARSAT SHIP EARTH STATIONS WITHIN THE TERRITORIAL SEA AND PORTS

Preamble

The States Parties (hereinafter referred to as "Parties") to this Agreement,

Desiring to achieve the objectives envisaged in Recommendation 3 of the International Conference on the Establishment of an International Maritime Satellite System, 1975–1976, and

¹ Came into force on 12 September 1993, i.e., 30 days after the date on which 25 States had become Parties, in accordance with article 8 (1):

<i>Participant</i>	<i>Date of definitive signature (s) or of deposit of the instrument of ratification or acceptance (A)</i>	
Australia	2 April	1987 s
Austria	11 June	1990 s
Belgium	22 January	1990
Canada	15 March	1988 s
Chile	18 October	1990 s
Denmark	2 April	1987 s
Finland	18 June	1990
France*	27 July	1990 s
Germany, Federal Republic of	26 October	1988
(With a declaration of application to Berlin (West).)		
Greece	28 May	1992
India	21 June	1991
Indonesia	13 August	1993 s
Italy	2 April	1987 s
Kuwait*	11 May	1989
Netherlands	24 June	1987 A
(For the Kingdom in Europe.)		
Norway	3 October	1986 s
Poland	29 February	1988
Qatar	5 May	1993 s
Romania	8 October	1992
Singapore	3 October	1990 s
South Africa	18 April	1989 s
Spain	3 May	1989
Sweden	20 July	1988 s
Union of Soviet Socialist Republics	9 October	1986 s
United Kingdom of Great Britain and Northern Ireland	20 September	1991

Subsequently, the Agreement entered into force for the following States, in accordance with article 8 (2):

<i>Participant</i>	<i>Date of deposit of the instrument of accession</i>	
Cuba	15 September	1993
(With effect from 15 September 1993.)		
China	3 November	1993
(With effect from 3 November 1993.)		

* See p. 57 of this volume for the texts of the declaration and statement made upon definitive signature or ratification.

Having decided to improve the distress and safety of life at sea communications, and the efficiency and management of ships,

Have agreed as follows:

Article 1

(1) Pursuant to the provisions set forth in this Agreement and in accordance with navigational rights established under international law, Parties shall permit in their territorial seas and ports the operation of approved ship earth stations appertaining to the maritime space communication system provided by the International Maritime Satellite Organization (INMARSAT) and properly installed aboard ships flying the flag of any other Party (hereinafter referred to as "INMARSAT Ship Earth Stations").

(2) Such permission shall at all times be restricted to the use of maritime mobile-satellite frequencies by the INMARSAT Ship Earth Station and shall be subject to compliance by the INMARSAT Ship Earth Station with the applicable Radio Regulations¹ of the International Telecommunication Union and the conditions set forth in Article 2 of this Agreement.

Article 2

(1) The operation of INMARSAT Ship Earth Stations shall be subject to the following conditions:

- (a) it shall not be prejudicial to the peace, good order and security of the Coastal State;
- (b) it shall not cause harmful interference to other radio services operating within the boundaries of the Coastal State's territory;
- (c) it shall give priority to distress and safety transmissions in accordance with relevant international conventions and, in particular, the Radio Regulations of the International Telecommunication Union;

¹ International Telecommunication Union, *Radio Regulations*, Edition of 1982, as amended.

- (d) safeguard measures shall be taken, subject to relevant safety regulations, during the operation of INMARSAT Ship Earth Stations in an area containing the presence of explosive gases, in particular during operations relating to oil and other inflammable substances;
 - (e) INMARSAT Ship Earth Stations shall be subject to inspection by the authorities of the Coastal State at the latter's request, without prejudice to the navigational rights established under international law.
- (2) In this Agreement, "Coastal State" means the State in whose territorial sea and ports the INMARSAT Ship Earth Station, subject to the provisions of this Agreement, is operating.

Article 3

Parties may, without prejudice to navigational rights established under international law, restrict, suspend or prohibit the operation of INMARSAT Ship Earth Stations in ports and areas of territorial sea specified by them. Without prejudice to the entry into force of such restriction, suspension or prohibition, as determined by the Party, it shall be notified to the Depository of this Agreement as soon as possible.

Article 4

Without prejudice to distress and safety communications, the permission referred to in paragraph (1) of Article 1 of this Agreement may be limited to the rights which the flag State grants under paragraph (1) of Article 1 within its territorial sea and ports to the ships of the Coastal State concerned.

Article 5

Nothing in the present Agreement shall be construed as preventing the granting of any wider facilities by a Party in respect of the operation of INMARSAT Ship Earth Stations.

Article 6

This Agreement shall not apply to warships and other government ships operated for non-commercial purposes.

Article 7

- (1) Any State may become Party to this Agreement by:
 - (a) signature; or
 - (b) signature subject to ratification, acceptance or approval, followed by ratification, acceptance or approval; or
 - (c) accession or adhesion.
- (2) This Agreement shall remain open for signature in London from 1 January 1986 until it enters into force and shall thereafter remain open for accession or adhesion.

Article 8

- (1) This Agreement shall enter into force thirty (30) days after the date on which twenty-five (25) States have become Parties.
- (2) For a State whose instrument of ratification, acceptance, approval, accession or adhesion is deposited after the date on which this Agreement enters into force, this Agreement shall enter into force on the date of such deposit.

Article 9

A Party may withdraw from this Agreement at any time by notification to the Depositary. Such withdrawal shall take effect ninety (90) days after the date of receipt by the Depositary of the Party's written notification to withdraw.

Article 10

- (1) The Director General of INMARSAT shall be the Depositary of this Agreement.
- (2) The Depositary shall, in particular, promptly notify all Parties to this Agreement of:
- (a) any signature of this Agreement;
 - (b) the date of entry into force of this Agreement;
 - (c) any deposit of instruments of ratification, acceptance, approval, accession or adhesion;
 - (d) the date on which a State has ceased to be a Party to this Agreement;
 - (e) any other notifications and communications relating to this Agreement.
- (3) Upon entry into force of this Agreement, the Depositary shall transmit a certified copy to the Secretary-General of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations. At the same time, the Depositary shall transmit a certified copy of this Agreement to the International Telecommunication Union and to the International Maritime Organization.

Article 11

This Agreement is established in a single original in the English, French, Russian and Spanish languages, all the texts being equally authentic, and shall be deposited with the Depositary, who shall send a certified copy to Parties.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective Governments, have signed this Agreement.

DONE AT LONDON on this sixteenth day of October of the year One Thousand Nine Hundred and Eighty Five

[For the signatures, see p. 51 of this volume.]

For Argentina:
[Pour l'Argentine :]

[MARIO CÀMPORA]¹

[9 September 1992 — 9 septembre 1992]

For Australia:
Pour l'Australie :
За Австралию:
Por Australia:

[DOUGLAS McCLELLAND]

[2 April 1987 — 2 avril 1987]

For Austria:
[Pour l'Autriche :]

[WALTER MAGRUTSCH]

[11 June 1990 — 11 juin 1990]

For Belgium:
[Pour la Belgique :]

[J. P. VAN BELLINGHEN]

Subject to ratification²

For Brazil:
Pour le Brésil :
За Бразилию:
Por Brasil:

[LUIZ PAULO LINDENBERG SETTE]

[29 January 1987 — 29 janvier 1987]

Subject to ratification

¹ Names of signatories appearing between brackets were not legible and have been supplied by the International Maritime Satellite Organization — Les noms des signataires donnés entre crochets étaient illisibles et ont été fournis par l'Organisation internationale de télécommunications maritimes par satellites.

² Sous réserve de ratification.

For Canada:
Pour le Canada :
За Канаду:
Por Canada:

[LOUIS A. DELVOIE]
[15 March 1988 — 15 mars 1988]

For Chile:
[Pour le Chili :]

[GERMAN RIESCO]
[18 October 1990 — 18 octobre 1990]

For Cuba:
[Pour Cuba :]

For Denmark:
Pour le Danemark :
За Данию:
Por Dinamarca:

[PETER DYVIG]
[2 April 1987 — 2 avril 1987]

For Finland:
Pour la Finlande :
За Финляндию:
Por Finlandia:

[PEKKA ORPANA]
[13 January 1987 — 13 janvier 1987]
Subject to ratification

Pour la France :
[For France:]

[VICOMTE LUC DE LA BARRE DE NANTEUIL]
[27 July 1990 — 27 juillet 1990]

For the German Democratic Republic:
[Pour la République démocratique allemande :]

[HANS-JÜRGEN HAMMER]

[18 January 1989 — 18 janvier 1989]

For the Federal Republic of Germany:
[Pour la République fédérale d'Allemagne :]

[Baron RUDIGER VON WECHMAR]

[23 March 1987 — 23 mars 1987]

Subject to ratification

For Greece:
Pour la Grèce :
За Грецию:
Por Grecia:

[STEPHANOS G. STATHATOS]

[2 April 1987 — 2 avril 1987]

Subject to ratification

For India:
[Pour l'Inde :]

[SRI SHANTI NARAYAN]

[10 May 1991 — 10 mai 1991]

Subject to ratification

For the Republic of Indonesia:
[Pour la République d'Indonésie :]

[J. E. HABIBIE]

[13 August 1993 — 13 août 1993]

For Israel:
[Pour Israël :]

[YOAV BIRAN]

Subject to ratification

For Italy:
Pour l'Italie :
За Италию:
Por Italia:

[BRUNO BOTTAI]
[2 April 1987 — 2 avril 1987]

For Kuwait:
Pour le Koweït :
За Кувейт:
Por Kuwait:

[GHAZI M. A. AL-RAYES]
[26 September 1988 — 26 septembre 1988]
Subject to ratification

For Morocco:
[Pour le Maroc :]

[KHALIL HADDAOUI]
[7 May 1992 — 7 mai 1992]
Subject to ratification

For the Netherlands:
Pour les Pays-Bas :
За Нидерланды:
Por los Países Bajos:

[ROBERT G. DE VOS]
[12 November 1986 — 12 novembre 1986]
Subject to acceptance¹

For Norway:
Pour la Norvège :
За Норвегию:
Por Noruega:

[ROLF BUSCH]
[3 October 1986 — 3 octobre 1986]

¹ Sous réserve d'acceptation.

For Poland:
Pour la Pologne :
За Польшу:
Por Polonia:

[ALEKSANDER WALCZAK]
[27 May 1987 — 27 mai 1987]
Subject to ratification

For Qatar:
[Pour le Qatar :]

[ABDULLA ABDULRAHMAN AL-MUQHAISEB]
[5 May 1993 — 5 mai 1993]

For Romania:
[Pour la Roumanie :]

[SERGIU CELAC]
[10 September 1991 — 10 septembre 1991]
Subject to ratification

For Singapore:
[Pour Singapour :]

[ABDUL AZIZ MAHMOOD]
[3 October 1990 — 3 octobre 1990]

For South Africa:
[Pour l’Afrique du Sud :]

[PETER RAE KILLEN]
[18 April 1989 — 18 avril 1989]

For Spain:
Pour l'Espagne :
За Испанию:
Por España:

[MARIANO BORRERO]
[18 January 1988 — 18 janvier 1988]
Subject to ratification

For Sweden:
Pour la Suède :
За Швецию:
Por Suecia:

[HAKAN GRANQVIST]
[20 July 1988 — 20 juillet 1988]

For the Union of Soviet Socialist Republics:
Pour l'Union des Républiques socialistes soviétiques :
За Союз Советских Социалистических Республик:
Por la Unión de Repúblicas Socialistas Soviéticas:

[ANATOLI ANDREEV]
[9 October 1986 — 9 octobre 1986]

For the United Kingdom of Great Britain and Northern Ireland:
Pour le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord :
За Соединенное Королевство Великобритании И Северной Ирландии:
Por el Reino Unido de Gran Bretaña e Irlanda del Norte:

[JOHN PATRICK BUTCHER]
[16 June 1986 — 16 juin 1986]
Subject to ratification

DECLARATION AND STATEMENT
MADE UPON DEFINITIVE SIG-
NATURE (s) OR RATIFICATION

FRANCE (s)

[TRANSLATION — TRADUCTION]

In signing, without reservations, the International Agreement on the Use of INMARSAT Ship Earth Stations Within the Territorial Sea and Ports, adopted in London on 16 October 1985 during the fourth session of the Assembly of States members of INMARSAT, the Government of the French Republic declares that it intends, in strict compliance with the provisions of articles 3 and 4 of that Agreement, to restrict the operation of the INMARSAT system in its ports and territorial waters whenever circumstances so require.

KUWAIT

“It is understood that the Ratification of the State of Kuwait of the International Agreement on the Use of INMARSAT Ship Earth Stations within the Territorial Sea and Ports does not mean in any way a recognition of Israel by the Government of the State of Kuwait. Furthermore, no treaty relations will arise between the State of Kuwait and Israel.”

DÉCLARATIONS FAITES LORS DE
LA SIGNATURE DÉFINITIVE (s)
OU DE LA RATIFICATION

FRANCE (s)

« En signant sans réserve d’approbation l’Accord international sur l’utilisation des stations terriennes INMARSAT de navires dans les limites de la mer territoriale et des ports, adopté à Londres le 16 octobre 1985 lors de la quatrième session de l’assemblée des parties d’INMARSAT, le Gouvernement de la République française déclare qu’il est dans ses intentions, dans le strict respect des dispositions des articles 3 et 4 dudit Accord, de restreindre l’exploration du système INMARSAT dans ses ports et dans ses eaux territoriales, chaque fois que les circonstances l’exigeront. »

KOWEÏT

[TRADUCTION — TRANSLATION]

Il va de soi que la ratification de l’Accord international sur l’utilisation des stations terriennes INMARSAT de navires dans les limites de la mer territoriale et des ports par le Gouvernement de l’Etat de Koweït n’entraîne en aucune manière la reconnaissance d’Israël par cet Etat ni ne crée entre cet Etat et Israël de relations conventionnelles.