



Treaty Series No. 85 (1999)

Amendments

to the Convention on the International Maritime
Satellite Organisation (INMARSAT)

and

Amendments

to the Operating Agreement on the International
Maritime Satellite Organisation (INMARSAT)

London, 19 January 1989

[The United Kingdom instrument of acceptance
was deposited on 3 November 1989 and the
Amendments entered into force for the
United Kingdom on 26 June 1997]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
December 1999*

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

Preamble

The third paragraph of the Preamble is replaced by the following text:

TAKING INTO ACCOUNT that world trade is dependent upon transportation by sea, air and on land,

The seventh paragraph of the Preamble is replaced by the following text:

AFFIRMING that a maritime satellite system shall also be open for aeronautical and land mobile communications and communications on waters not part of the marine environment for the benefit of all nations,

Article 1 Definitions

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

- (f) "Ship" means a vessel of any type operating in the marine environment or on waters not part of the marine environment. It includes inter alia dynamically supported craft, submersibles, floating craft and platforms not permanently moored.

In Article 1, the following new paragraphs (i) and (j) are added:

- (i) "Mobile earth station" means an earth station in the mobile-satellite service intended to be used while in motion or during halts at unspecified points.
- (j) "Land earth station" means an earth station in the fixed-satellite service or, in some cases, in the mobile-satellite service, located at a specified fixed point or within a specified area on land to provide a feeder link for the mobile-satellite service.

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 and land mobile communications and communications on waters not part of the marine environment, thereby assisting in improving communications for distress and safety of life, communications for air traffic services, the efficiency and management of transportation by sea, air and on land, maritime, aeronautical and other mobile public correspondence services and radiodetermination capabilities.

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

Article 7 Access to Space Segment

Article 7, paragraphs (1), (2) and (3) are replaced by the following text:

(1) The INMARSAT space segment shall be open for use by ships and aircraft of all nations and by mobile earth stations on land on conditions to be determined by the Council. In determining such conditions, the Council shall not discriminate among ships or aircraft or mobile earth stations on land on the basis of nationality.

(2) The Council may permit access to the INMARSAT space segment by earth stations located on structures operating in the marine environment other than ships and by mobile earth stations at fixed locations on land, if and as long as the operation of such earth stations would not have a significantly adverse effect on the provision of mobile-satellite services.

(3) Land earth stations communicating via the INMARSAT space segment shall be located on land territory under the jurisdiction of a Party and shall be wholly owned by Parties or entities subject to their jurisdiction. The Council may authorize otherwise if it finds this to be in the interests of the Organization.

In Article 7, the following paragraph (4) is added:

(4) Use of the INMARSAT space segment by mobile earth stations within land territory under the jurisdiction of a State shall be subject to the regulations governing radiocommunications of that State, and shall not be detrimental to that State's security.

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, aeronautical and other mobile 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, aeronautical and other mobile 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 land earth stations, mobile earth stations, and earth stations 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 mobile earth stations, 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 and land transport operators, maritime, aeronautical and land transport personnel and other users of maritime, aeronautical and other mobile 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 invention and technical information without payment in connexion with the INMARSAT space segment and any mobile earth station or land earth station operating in conjunction therewith.

- (7) (b) (i) Without payment in connexion with the INMARSAT space segment or any land earth station or mobile earth station operating in conjunction therewith;

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 and mobile earth stations on land operating under its authority, and to which land earth stations under its jurisdiction, the Convention shall apply.

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 mobile earth station part and a land part. The part associated with the ship or aircraft or mobile earth station on land where the traffic originates or terminates shall be attributed to the Signatory of the Party under whose authority the ship or aircraft or mobile earth station on land 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 mobile earth station 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 per cent, 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 land earth station is or will be located, or by the Party or the Signatory of the Party under whose authority the mobile earth station or the earth station on a structure operating in the marine environment is licensed or, with respect to land earth stations and mobile earth stations located in a territory or on a ship or an aircraft or an earth station on a structure operating in the marine environment not under the jurisdiction of a Party, by an authorized telecommunications entity.

RATIFICATIONS, ACCEPTANCES, EFFECTIVE DATES AND DECLARATIONS

<i>State</i>	<i>Action</i>	<i>Date</i>	<i>Effective Date</i>
Australia	Acceptance	21 Mar 1990	26 Jun 1997
Belgium	Acceptance	09 Sep 1992	26 Jun 1997
Byelorussia SSR	Acceptance	17 Jul 1990	26 Jun 1997
Canada	Acceptance	13 Jun 1990	26 Jun 1997
China	Acceptance	26 Feb 1997	26 Jun 1997
Czech Republic	Succession	01 Jan 1993	26 Jun 1997
Czechoslovakia	Acceptance	18 May 1990	26 Jun 1997
Denmark	Acceptance	06 Dec 1989	26 Jun 1997
Egypt	Acceptance	08 Jan 1997	26 Jun 1997
Finland	Acceptance	26 Jun 1990	26 Jun 1997
France	Acceptance	27 Apr 1990	26 Jun 1997
Germany	Acceptance	10 Nov 1992	26 Jun 1997
Greece	Approval	30 Sep 1992	26 Jun 1997
India	Acceptance	10 Sep 1993	26 Jun 1997
Indonesia*	Acceptance	10 Jan 1991	26 Jun 1997
	Declaration	10 Jan 1991	: :
Italy	Acceptance	21 Sep 1993	26 Jun 1997
Kuwait	Acceptance	19 Nov 1993	26 Jun 1997
Mexico	Acceptance	19 Nov 1993	26 Jun 1997
Netherlands The**	Acceptance	07 Dec 1989	26 Jun 1997
	Declaration	07 Dec 1989	: :

*“Notwithstanding the availability of the land mobile communication service in the INMARSAT system as stipulated in the Amendments to the Convention, the Government of the Republic of Indonesia declares that it shall implement the INMARSAT land mobile communication system only whenever it considers necessary, taking into account all the relevant national laws and regulations, and the existing national telecommunications system”.

**The acceptance by the Netherlands was declared to be effective also in respect of the Netherlands Antilles and Aruba.

RATIFICATIONS, ACCEPTANCES, EFFECTIVE DATES AND DECLARATIONS

<i>State</i>	<i>Action</i>	<i>Date</i>	<i>Effective Date</i>
Aruba	Extension	07 Dec 1989	26 Jun 1997
Netherlands Antilles	Extension	07 Dec 1989	26 Jun 1997
New Zealand	Acceptance	07 Dec 1989	26 Jun 1997
Norway	Acceptance	20 Jul 1989	26 Jun 1997
Oman	Acceptance	29 Mar 1990	26 Jun 1997
Poland	Acceptance	21 Jan 1997	26 Jun 1997
Saudi Arabia*	Acceptance	14 Aug 1991	26 Jun 1997
	Statement	14 Aug 1991	: :
Singapore	Acceptance	04 Mar 1996	26 Jun 1997
Soviet Union	Acceptance	18 Apr 1990	26 Jun 1997
Spain	Acceptance	27 Jan 1992	26 Jun 1997
Sweden	Acceptance	26 Sep 1991	26 Jun 1997
Tunisia	Acceptance	05 Jul 1996	26 Jun 1997
Ukraine	Acceptance	04 Sep 1990	26 Jun 1997
United Arab Emirates	Acceptance	17 Jul 1990	26 Jun 1997
United Kingdom	Acceptance	03 Nov 1989	26 Jun 1997
United States of America	Acceptance	07 Sep 1990	26 Jun 1997

*Statement made on acceptance and received by INMARSAT on 16 January 1992: "Possession and/or use of LMESs within the territories of the Kingdom of Saudi Arabia by any transit traveller is prohibited unless otherwise permitted on bilateral basis. Importing, marketing and using the LMESs within the Kingdom of Saudi Arabia is also prohibited unless it is permitted by the concerned authorities".

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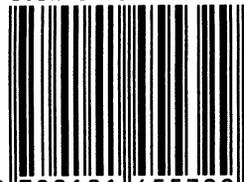
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