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English only

**Committee on the Peaceful Uses
of Outer Space**

Legal Subcommittee

Forty-seventh session

31 March - 11 April 2008

Item 7 of the agenda*

**Information on the activities of international
intergovernmental and non-governmental organizations
relating to space law**

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Note by the Secretariat

1. The General Assembly, in its resolution 62/217, had endorsed the recommendation of the Committee on the Peaceful Uses of Outer Space that the Legal Subcommittee should consider the item "Information on the activities of international intergovernmental and non-governmental organizations relating to space law" as a regular agenda item for its forty-seventh session. The Secretariat included the information received by several international intergovernmental and non-governmental organizations in A/AC.105/C.2/L.270 and Add.1. The present document contains information about the International Mobile Satellite Organization (IMSO).

* A/AC.105/C.2/L.264.

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International Mobile Satellite Organization

I. Background information

1 The establishment of the International Mobile Satellite Organization (IMSO) was based on two international public law instruments developed under the auspices of the International Maritime Organization (IMO). These are:

(a) Convention on the International Maritime Satellite Organization (Inmarsat) between States Parties to the Convention; and

(b) Operating Agreement between telecommunications entities public or private (one per Party) called “Signatories” designated by a State.

2. Both instruments entered into force on 16 July 1979.

3. The purpose of Inmarsat was to make provision for the space segment necessary for improved maritime communications and, in particular, for improved safety of life at sea communications and the Global Maritime Distress and Safety System (GMDSS). This purpose was later extended through amendments to the Convention and Operating Agreement to provide the space segment for land mobile and aeronautical communications, and the name of the organization was changed to the International Mobile Satellite Organization (IMSO) to reflect the amended purpose.

4. In addition, after twenty years of successful operation, Member States and Signatories of the intergovernmental organization Inmarsat decided to challenge rapidly growing competition from private providers of satellite communications services and pioneered the first ever privatization of all assets and business carried on by the intergovernmental organization while adhering to the continuous provision of the public service obligations and governmental oversight as a pre-requisite of the privatization.

5. In April 1998, the Inmarsat Assembly adopted amendments to the Inmarsat Convention and Operating Agreement which were intended to transform the Organization’s business into a privatised corporate structure, while retaining intergovernmental oversight of certain public service obligations and, in particular, the Global Maritime Distress and Safety System (GMDSS). The Assembly and Council of Inmarsat subsequently decided to implement the amendments as from 15 April 1999. In doing so, it was recognised that early implementation of the new structure was needed to maintain the commercial viability of the system in a rapidly changing satellite communications environment, and thereby ensure continuity of GMDSS services and other public service obligations, namely: peaceful uses of the system, non-discrimination, service to all geographical regions and fair competition.

6. The restructuring of Inmarsat involved the incorporation of holding and operating companies and the signature of a Public Services Agreement between IMSO and the privatised Inmarsat Ltd with immediate effect. The Operating Agreement was terminated and the Signatories received ordinary shares in the privatised Inmarsat Ltd in exchange for their investment shares. Capital requirements are met from existing shareholders, strategic investors and public investment through a listing of the shares on a stock exchange (IPO). The Inmarsat satellites and all other assets of the former intergovernmental organization have been

transferred to the privatised operating Company which continues to manage the global mobile satellite communications system, including maritime distress and safety services for GMDSS at either no cost or at a special rate.

II. IMSO today

7. The intergovernmental organization resulting after privatization – IMSO – continues with 92 Member States, operating through the Assembly of Parties, its Advisory Committee (comprising a number of Member States appointed by the Assembly) and a the Directorate, headed by the Director who is the Chief Executive Officer and legal representative of the Organization. The Assembly of Parties meets at least once every two years, and the Advisory Committee meets on a regular basis.

8. Under the relevant provisions of the Convention, as amended, the Public Services Agreement and the Articles of Association of Inmarsat Ltd, IMSO is charged with overseeing, and under some circumstances may enforce fulfilment of the Company's public service obligations and, in particular, GMDSS services. In performing this role, IMSO acts as the natural ally of the International Maritime Organization (IMO) supervising proper implementation of IMO's requirements in respect of GMDSS by Inmarsat Ltd. To facilitate these functions, an Agreement of Cooperation has been concluded between IMSO and IMO. Under a similar Agreement with the International Civil Aviation Organization (ICAO), IMSO ensures that Inmarsat Ltd. takes into account the applicable ICAO Standards and Recommended Practices in line with the Public Services Agreement and regularly informs ICAO accordingly.

9. Administrative Arrangements have also been signed between ITU and IMSO. These provide the Organization with direct access to the relevant bodies of the ITU, enabling IMSO to play an active role in the development of international telecommunication policies.

III. Future of mobile satellite communications

10. In recent years, the horizons of mobile satellite communications have been expanding with ever-increasing speed, and there are several different options for the design and capability of new services. The adoption in December 2007 by the Assembly of the International Maritime Organization of Resolution A.1001(25) on Criteria for the Provision of Mobile-Satellite Communication Systems in the Global Maritime Distress and Safety System (GMDSS), provided a clear regime for opening up provision of GMDSS services to any satellite operator whose system fits these Criteria. Expansion of the market is most likely to happen in the context of a revision of Chapter IV (Radiocommunications) of the Safety of Live at Sea (SOLAS) Convention and will provide the opportunity for specifying more effective services in a way that permits the use of evolutionary capabilities or non-geostationary satellite constellations. Resolution 1001(25) also established a clear relationship between the global maritime regulator – IMO – and the oversight organization – IMSO – in order to provide a robust intergovernmental system that should extend to all existing – Inmarsat Ltd – and new potential providers of GMDSS services in the

future, and IMSO should be the oversight body on behalf of the international maritime community.

11. In anticipation to these developments, amendments to the IMSO Convention were adopted by the IMSO Assembly in 2006 with the aim of extending the oversight functions of IMSO to all providers in the future. As a result, IMO formally requested IMSO to extend forthwith its oversight to other satellite operators once approved to provide GMDSS services.

12. The 2006 amendments to the IMSO Convention also give IMSO the task of coordinating the implementation and certain operational aspects of the Long Range Identification and Tracking of ships (LRIT) system – a new initiative of IMO which has been developed as part of IMO's response to improve maritime safety and security, search and rescue and marine environment protection through amendments to the SOLAS Convention that entered into force on 1st January 2008. In December 2006, IMO formally appointed IMSO as the 'LRIT Coordinator' and invited IMSO to take action to ensure the timely implementation of the LRIT System.

13. In line with developments highlighted above, in March 2007 the IMSO Assembly decided on provisional application of the 2006 amendments to the IMSO Convention with effect from 7 March 2007, pending their formal entry into force, to meet the expectations of IMO in relation to the oversight of new GMDSS satellite operators which are or may be approved by IMO in the future, and for IMSO's appointment as the 'LRIT Coordinator' responsible, in particular, for timely implementation of the LRIT System.

IV. Concluding remarks

14. IMSO is honoured to cooperate with the Committee on the Peaceful Uses of Outer Space and its Subcommittees both at legal and technical level. Some recent decisions of the UN General Assembly have direct connection with IMSO's responsibilities in its relations with the Committee:

15. The above mentioned UN General Assembly resolution 62/217 of 21 December 2007 provided that the Committee should continue to consider a report on the activities of the international satellite system for search and rescue as part of its consideration of the United Nations Programme on Space Applications, and IMSO may facilitate to the Committee relevant information regarding the provision of GMDSS services and the implementation of the LRIT system worldwide.

16. UN General Assembly resolution 62/101 adopted on 17 December 2007 recommended, with regards to the adherence to the Registration Convention, that international intergovernmental organizations conducting space activities that have not yet declared their acceptance of the rights and obligations under that Convention should do so. Almost the majority of the Member States of IMSO have already ratified both the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space (OST 1967) and the Convention on Registration of Objects Launched into Outer Space (REG 1975). Therefore this issue could be presented to the attention of the next IMSO Assembly in September 2008 for its consideration.

17. Finally, IMISO welcomes the establishment of the International Committee on Global Navigation Satellite Systems as a forum to discuss global navigation satellite systems (GNSS). In particular, consideration of compatibility and interoperability between different GNSS providers and the enhancement of performance of these systems is of paramount importance for search and rescue satellite-based systems. The requirements for shipborne radio equipment forming part of the Global Maritime Distress and Safety and the Long Range Identification and Tracking systems - both under the oversight of IMISO - are based on direct interface to the shipborne global navigation satellite system equipment, or alternatively should have internal positioning capability. In a foreseeable environment of multi providers of GNSS, GMDSS and LRIT systems, ensuring their compatibility and interoperability will be essential in the immediate future. Therefore, this issue could be presented to the attention of the next IMISO Assembly in September 2008 for its consideration, including IMISO participation in the activities of the International Committee on GNSS.

18. IMISO will continue to participate in the activities of UNCOPUOS in the field of its competences.
