

No. 30483

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**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.*

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**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 AGREEMENT<sup>1</sup> 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

<sup>1</sup> 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 Regulations<sup>1</sup> 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;

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<sup>1</sup> 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.