



SES Conference
First session
Agenda item 4

SES CONF 1/4/1
Origin: Director General
Date: 30 June 2020

**INTERNATIONAL CONFERENCE OF CONTRACTING PARTIES TO THE
INTERNATIONAL AGREEMENT ON THE USE OF INMARSAT SHIP EARTH STATIONS
WITHIN THE TERRITORIAL SEA AND PORTS**

Consideration of amendments or termination of SES Agreement

Authentic text of the SES Agreement and required changes

<i>Executive Summary:</i>	This document provides the authentic text of the SES Agreement.
<i>Action to be taken:</i>	Paragraph 4
<i>Related documents:</i>	A 25/4.4, A 25/14/RD, ASSEMBLY/13/Report, ASSEMBLY/14/Report, ASSEMBLY/15/Report, ASSEMBLY/18/Report, ASSEMBLY/21/Report, ASSEMBLY/122 Report and SES Agreement

1 The authentic text of the SES Agreement is provided in Annex.

2 Although the fifteenth session of the IMSO Assembly in 2000 considered that the reference to the International Maritime Satellite Organization (INMARSAT) in Article 1(1) of the Agreement shall be understood to mean "Inmarsat Ltd."; and the reference to the Director General of INMARSAT in Article 10(1) shall be understood to mean "The Director General of International Mobile Satellite Organization", the Conference of Contracting Parties to the SES Agreement has never been held since the adoption in 1985. Therefore, the authentic text of the Agreement has never been amended since 1985.

3 All required changes to the text of the SES Agreement, taking into account the understandings of the fifteenth session of the IMSO Assembly in 2000 described above, are shown with strikethrough for deletion and underlines for insertion on the authentic text given in Annex.

Action requested of the Conference

4 The Conference is invited to note the required changes indicated on the authentic text of the SES Agreement set out in Annex and provide any comment it deems appropriate.

ANNEX

Authentic Text of the SES Agreement

**INTERNATIONAL AGREEMENT ON THE USE OF ~~INMARSAT~~
SHIP EARTH STATIONS WITHIN THE TERRITORIAL SEA AND PORTS**

(Approved at the Fourth Session of the Inmarsat Assembly
held in London from 14 to 16 October 1985
ASSEMBLY/4/Report, paragraph 9.13 and Annexes XXI to XXIV refer)

Entered into force on 12 September 1993

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

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 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;
- (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 Depositary 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~~ International Mobile Satellite Organization (IMSO) 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
