

**AMENDING AGREEMENT TO THE  
PROTOCOL ON THE PRIVILEGES AND IMMUNITIES OF THE  
INTERNATIONAL MOBILE SATELLITE ORGANIZATION**

THE PARTIES TO THE PRESENT AGREEMENT:

BEING PARTIES to the Convention on the International Mobile Satellite Organization (formerly the International Maritime Satellite Organization (INMARSAT)), as amended, ("the Convention");

ALSO BEING PARTIES to the Protocol on the Privileges and Immunities of the International Mobile Satellite Organization (Inmarsat), done at London on 1 December 1981 ("the Protocol");

TAKING NOTE that the Inmarsat Assembly of Parties, at its Twelfth Session, adopted further amendments to the Convention for the restructuring of the Organization, including amendments to Article 26(4) thereof pursuant to which the Protocol was concluded;

CONSIDERING that it is desirable to amend the Protocol for consistency with the amended Convention;

HAVE AGREED TO AMEND THE PROTOCOL AS FOLLOWS:

**Article I**

The title of the Protocol is replaced with the following :

**PROTOCOL ON THE PRIVILEGES AND IMMUNITIES OF  
THE INTERNATIONAL MOBILE SATELLITE ORGANIZATION**

**Article II**

The preambular paragraphs of the Protocol are replaced by the following text:

HAVING REGARD to the Convention on the International Mobile Satellite Organization, opened for signature at London on 3 September 1976, as amended, and, in particular, to Article 9(6) of the amended Convention;

TAKING NOTE that the Organization will conclude a Headquarters Agreement with the Government of the United Kingdom of Great Britain and Northern Ireland on 15 April 1999;

CONSIDERING that the aim of this Protocol is to facilitate the achievement of the purpose of the Organization and to ensure the efficient performance of its functions;

### **Article III**

Article 1 - *Use of Terms* - is replaced by the following text:

#### **Use of Terms**

For the purposes of this Protocol:

- (a) "Convention" means the Convention on the International Mobile Satellite Organization, including its Annex, opened for signature at London on 3 September 1976, as amended;
- (b) "Party to the Convention" means a State for which the Convention is in force;
- (c) "Organization" means the International Mobile Satellite Organization;
- (d) "Headquarters Party" means the Party to the Convention in whose territory the Organization has established its headquarters;
- (e) "Party to the Protocol" means a State for which this Protocol, or this Protocol as amended, as the case may be, is in force;
- (f) "Staff member" means the Director and any person employed full time by the Organization and subject to its staff regulations;
- (g) "Representatives" in the case of Parties to the Protocol, and the Headquarters Party, means representatives to the Organization and in each case means heads of delegations, alternates and advisers;
- (h) "Archives" includes all manuscripts, correspondence, documents, photographs, films, optical and magnetic recordings, data recordings, graphic representations and computer programmes, belonging to or held by the Organization;
- (i) "Official activities" of the Organization means activities carried out by the Organization in pursuance of its purpose as defined in the Convention and includes its administrative activities;
- (j) "Expert" means a person other than a staff member appointed to carry out a specific task for or on behalf of the Organization and at its expense;

- (k) "Property" means anything that can be the subject of a right of ownership, including contractual rights.

#### **Article IV**

Article 2 - *Immunity of Inmarsat from Jurisdiction and Execution*, is replaced by the following text:

##### **Immunity of the Organization from Jurisdiction and Execution**

(1) Unless it has expressly waived immunity in a particular case, the Organization shall, within the scope of its official activities, have immunity from jurisdiction except in respect of:

- (a) any commercial activities;
- (b) a civil action by a third party for damage arising from an accident caused by a motor vehicle or other means of transport belonging to, or operated on behalf of, the Organization, or in respect of a traffic offence involving such means of transport;
- (c) the attachment, pursuant to the final order of a court of law, of the salaries and emoluments, including pension rights, owed by the Organization to a staff member, or a former staff member;
- (d) a counter-claim directly connected with judicial proceedings initiated by the Organization.

(2) Notwithstanding paragraph (1), no action shall be brought in the courts of Parties to the Protocol against the Organization by Parties to the Convention or persons acting for or deriving claims from any of them, relating to rights and obligations under the Convention.

(3) The property and assets of the Organization, wherever located and by whomsoever held, shall be immune from any search, restraint, requisition, seizure, confiscation, expropriation, sequestration or execution, whether by executive, administrative or judicial action, except in respect of:

- (a) an attachment or execution in order to satisfy a final judgement or order of a court of law that relates to any proceedings that may be brought against the Organization pursuant to paragraph (1);
- (b) any action taken in accordance with the law of the State concerned which is temporarily necessary in connection with the prevention of and investigation into accidents involving motor vehicles or other

means of transport belonging to, or operated on behalf of, the Organization;

- (c) expropriation in respect of real property for public purposes and subject to prompt payment of fair compensation, provided that such expropriation shall not prejudice the functions and operations of the Organization.

#### **Article V**

Article 3 - *Inviolability of Archives* - is amended as follows:

The word "INMARSAT" is deleted and replaced by the words "the Organization".

#### **Article VI**

Article 4 - *Exemption from Taxes and Duties* - is amended as follows:

- (1) The word "INMARSAT", wherever appearing, is deleted and replaced by the words "the Organization".
- (2) Paragraphs (3) and (8) are deleted.
- (3) The remaining paragraphs are re-numbered (1) to (6), respectively.

#### **Article VII**

Article 5 - *Funds, Currency and Securities* - is amended as follows:

The word "INMARSAT" is deleted and replaced by the words "the Organization".

#### **Article VIII**

Article 6 - *Official Communications and Publications* - is amended as follows:

The word "INMARSAT", wherever appearing, is deleted and replaced by the words "the Organization".

#### **Article IX**

Article 7 - *Staff Members* - is amended as follows:

- (1) In paragraphs (1) and (2), the word "INMARSAT", wherever appearing, is deleted and replaced by the words "the Organization".

(2) Paragraph (3) is deleted and replaced by the following text:

(3) Provided that staff members are covered by the Organization's social security scheme, the Organization and its staff members shall be exempt from all compulsory contributions to national social security schemes. This exemption does not preclude any voluntary participation in a national social security scheme in accordance with the law of the Party to the Protocol concerned; neither does it oblige a Party to the Protocol to make payments of benefits under social security schemes to staff members who are exempt under the provisions of this paragraph.

### **Article X**

Article 8 - *Director General* - is amended as follows:

The words "Director General", wherever appearing, are deleted and replaced by the word "Director".

### **Article XI**

Article 10 - *Representatives of Signatories* - is deleted

### **Article XII**

Articles 11 to 23 are re-numbered as Articles 10 to 22, respectively.

### **Article XIII**

Article 10 - *Experts* -, as renumbered, is amended as follows:

The word "INMARSAT" is deleted and replaced by the words "the Organization".

### **Article XIV**

Article 11 - *Notification of Staff Members and Experts* - , as renumbered, is amended as follows:

The words "The Director General of INMARSAT" are deleted and replaced by the words "The Director of the Organization".

### **Article XV**

Article 12 - *Waiver* - , as renumbered, is replaced by the following text:

## **Waiver**

(1) The privileges, exemptions and immunities provided for in this Protocol are not granted for the personal benefit of individuals but for the efficient performance of their official functions.

(2) If, in the view of the authorities listed below, privileges and immunities are likely to impede the course of justice, and in all cases where they may be waived without prejudice to the purposes for which they have been accorded, these authorities have the right and duty to waive such privileges and immunities:

- (a) the Parties to the Protocol in respect of their representatives;
- (b) the Assembly, convened if necessary in extraordinary session, in respect of the Organization or of the Director of the Organization;
- (c) the Director of the Organization in respect of staff members and experts.

## **Article XVI**

Article 14, - *Observance of Laws and Regulations* -, as re-numbered, is amended as follows:

The word "INMARSAT" is deleted and replaced by the words "the Organization".

## **Article XVII**

Article 16 - *Settlement of Disputes* -, as renumbered, is amended as follows:

The word "INMARSAT" is deleted and replaced by the words "the Organization".

## **Article XVIII**

Article 17 - *Complementary Agreements* - , as renumbered, is amended as follows:  
The word "INMARSAT", wherever appearing, is deleted and replaced by the words "the Organization".

## **Article XIX**

Article 19 - *Entry Into Force and Duration of Protocol* - , as renumbered, is amended as follows:

In paragraph (1), the words "Article 19" are deleted and replaced by the words "Article 18".

## **Article XX**

Article 20 - *Entry Into Force and Duration For a State* - , as renumbered, is amended as follows:

In paragraph (1), the words "Article 19" are deleted and replaced by the words "Article 18".

## **Article XXI**

Article 21 - *Depositary* - , as renumbered, is amended as follows:

In paragraph (1), the words "The Director General of INMARSAT" are deleted and replaced by the words "The Director of the Organization".

## **Article XXII**

### **Authentic Texts**

The words "the Director General of INMARSAT" are deleted and replaced by the words "the Director of the Organization".

## **FINAL CLAUSES**

### **Article XXIII**

#### **Signature, Ratification and Accession of Amending Agreement**

(1) This Amending Agreement shall be open for signature at the Headquarters of the Organization from 15 April 1999 to 31 December 1999.

(2) All Parties to the Convention, other than the Headquarters Party, may become Parties to this Amending Agreement by:

- (a) signature not subject to ratification, acceptance or approval; or
- (b) signature subject to ratification, acceptance or approval, followed by ratification, acceptance or approval; or
- (c) accession.

(3) Ratification, acceptance, approval or accession shall be effected by the deposit of the appropriate instrument with the Depositary.

(4) A State which is a Party to this Amending Agreement but is not a Party to the Protocol shall be bound by the provisions of the Protocol as amended by this Amending Agreement in relation to other Parties hereto, but shall not be bound by the provisions of the Protocol in relation to States Parties only to the Protocol.

(5) Reservations to this Amending Agreement may be made in accordance with international law.

#### **Article XXIV**

##### **Entry into Force of Amending Agreement**

This Amending Agreement shall enter into force on the thirtieth day after the date on which two Parties to the Convention have fulfilled the requirements of paragraph (2) of Article XXIII.

#### **Article XXV**

##### **Entry into Force for a State**

(1) For a State which has fulfilled the requirements of paragraph (2) of Article XXIII after the date of entry into force of this Amending Agreement, this Amending Agreement shall enter into force on the thirtieth day after the date of signature or of the deposit of such instrument with the Depositary respectively.

(2) Any State which becomes a Party to the Protocol after the entry into force of this Amending Agreement pursuant to Article XXIV shall, failing an expression of a different intention by that State:

- (a) be considered as a Party to the Protocol as amended; and
- (b) be considered as a Party to the unamended Protocol in relation to any Party to the Protocol not bound by this Amending Agreement.

#### **Article XXVI**

##### **Depositary**

(1) The Director of the Organization shall be the Depositary of this Amending Agreement.

(2) The Depositary shall, in particular, promptly notify all Parties to the Convention of:



- (a) any signature of the Amending Agreement;
  - (b) the deposit of any instrument of ratification, acceptance, approval or accession;
  - (c) the date of entry into force of this Amending Agreement;
  - (d) any other communications relating to this Amending Agreement .
- (3) Upon entry into force of this Amending Agreement, the Depositary shall transmit a certified copy of the original to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

### **Article XXVII**

#### **Authentic Texts**

This Amending 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 Director of the Organization who shall send a certified copy to each Party to the Convention.

**IN WITNESS WHEREOF** the undersigned, duly authorized for that purpose by their respective Governments, have signed this Amending Agreement.

**DONE AT LONDON** this 25th day of September One Thousand Nine Hundred and Ninety Eight.

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