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

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intergovernmental and non-governmental organizations
relating to space law**

Note by the Secretariat

Addendum

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* A/AC.105/C.2/L.277.



I. Introduction

1. The General Assembly, in its resolution 64/86 of 10 December 2009, agreed that the Legal Subcommittee at its forty-ninth session should consider the items recommended by the Committee on the Peaceful Uses of Outer Space at its fifty-second session,¹ including an item entitled “Information on the activities of international intergovernmental and non-governmental organizations relating to space law”.

2. The present document was prepared by the Secretariat on the basis of information received by 26 February 2010 from the following international intergovernmental organizations: the International Mobile Satellite Organization (IMSO), the International Organization of Space Communications (Intersputnik) and the International Telecommunications Satellite Organization (ITSO). More detailed information on IMSO and ITSO is contained in a conference room paper (A/AC.105/C.2/2010/CRP.3).

II. Replies received from international intergovernmental and non-governmental organizations

International Mobile Satellite Organization

The establishment of the International Mobile Satellite Organization (IMSO) was based on the Convention on the International Maritime Satellite Organization (INMARSAT), under the auspices of the International Maritime Organization (IMO). The Convention entered into force on 16 July 1979.

The purpose of the Convention 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). That purpose was later extended through amendments to the Convention to provide the space segment for land mobile and aeronautical communications, and the name of the organization was changed in 1994 to the International Mobile Satellite Organization to reflect its amended purpose.

In 1998, amendments to the Convention were adopted to transform the organization’s business into a privatized corporate structure, while retaining intergovernmental oversight of certain public service obligations and, in particular, GMDSS. Those amendments were implemented from 15 April 1999.

Today, the intergovernmental organization that was created by the privatization process has 94 member States and operates through the Assembly of Parties, its Advisory Committee (comprising representatives of member States appointed by the Assembly) and the Directorate, headed by the Director General, who is the Chief Executive Officer and legal representative of the organization.

Following the adoption in November 2007 by the IMO Assembly of resolution A.1001(25) on criteria for the provision of mobile satellite communication systems

¹ *Official Records of the General Assembly, Sixty-fourth Session, Supplement No. 20 (A/64/20)*, paras. 224, 226 and 227.

in GMDSS, which provided clear guidelines for opening up provision of GMDSS services to any satellite operator whose system fit those criteria, and the extension of IMSO responsibilities to overseeing such satellite operators, amendments to the Convention were adopted in 2008 that aimed to extend the oversight functions of IMSO to all providers in the future.

In 2006, IMO adopted new regulations for the long range identification and tracking (LRIT) system and amended the International Convention for the Safety of Life at Sea (SOLAS) accordingly (regulation V/19-1 of the SOLAS Convention, which entered into force on 1 January 2008). IMO also invited IMSO to undertake intergovernmental audit and review of the LRIT infrastructure and to take action to ensure the timely implementation of the LRIT system. On 5 December 2008, IMO adopted resolution MSC.275(85) of the Maritime Safety Committee, in which IMSO was formally appointed as the LRIT Coordinator, responsible for performing those functions.

At its twentieth session, held in Malta from 29 September to 3 October 2008, the IMSO Assembly considered that the 2006 amendments to the IMSO Convention should be improved and, acknowledging the desire of IMSO member States to promote the growth of a pro-competitive market environment in the current and future provision of mobile satellite communications system services for GMDSS, affirmed that there was a need to ensure continuity in the provision of GMDSS through intergovernmental oversight. The Assembly also affirmed the willingness of IMSO member States that IMSO should assume the functions and duties of the LRIT Coordinator, in accordance with IMO decisions and subject to the terms of the Convention.

The IMSO Assembly therefore decided to overturn the decision taken at its eighteenth session to adopt the 2006 amendments; it adopted the 2008 amendments that fully incorporated the 2006 amendments; and it also decided that the 2008 amendments should be provisionally applied from 6 October 2008, pending their formal entry into force in accordance with article 19 of the IMSO Convention. The Assembly noted that member States should conduct themselves, in their relations with each other and the organization, within the parameters of their national constitutions, laws and regulations, in the same way as if the amendments were fully in force from 6 October 2008.

Since then, IMSO has been fully participating in the testing and implementation of the LRIT system worldwide, as part of its functions as the LRIT Coordinator. An increasing number of LRIT data centres were established throughout 2009 by Governments working both individually and collectively. The data centres are integrated into the LRIT production environment by IMSO following successful completion of the compulsory tests. At the end of 2009, IMSO had integrated 36 LRIT data centres into the production phase. Those centres, in addition to the six prototype LRIT data centres that were integrated in 2008, have been providing LRIT services to a total of 71 Governments and to more than 90 per cent of the world's merchant fleet.

More new LRIT data centres are currently being tested and are expected to be integrated into the LRIT system by IMSO in 2010. That will bring the total number of LRIT data centres participating in the system to approximately 65.

As the LRIT Coordinator, IMSO is also responsible for the annual audit and review of all LRIT data centres. In order to establish the formal relationship between IMSO, as the LRIT Coordinator, and the LRIT data centres for undertaking their audit and review, the IMSO Assembly developed the LRIT Services Agreement. IMSO signed 33 LRIT services agreements with different Governments and/or LRIT data centre operators in 2009.

IMSO also continued its oversight of the sole global GMSS provider, Inmarsat Ltd., and followed developments and made contacts within the industry in order to explore which new mobile satellite communication providers intended to be recognized as GMDSS providers.

In recent years, 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 of resolution A.1001(25) by the IMO Assembly will favour the expansion of the market, which will most likely occur in the context of a revision of chapter IV (Radiocommunications) of the SOLAS Convention and will provide an opportunity for specifying more effective services in a way that permits the use of evolutionary capabilities and non-geostationary satellite constellations. IMSO is actively involved in investigating ways to facilitate this expansion.

International Organization of Space Communications

A. Background information

The International Organization of Space Communications (Intersputnik) was established on 15 November 1971, following the conclusion of the Agreement on the establishment of the “Intersputnik” International System and Organization of Space Communications,² as amended by the Protocol on Amendments to the Agreement on the establishment of the “Intersputnik” International System and Organization of Space Communications of 4 November 2002.

B. Members of the International Organization of Space Communications

As of January 2010, the Governments of the following 25 States were full members of Intersputnik: Afghanistan, Azerbaijan, Belarus, Bulgaria, Cuba, Czech Republic, Democratic People’s Republic of Korea, Georgia, Germany, Hungary, India, Kazakhstan, Kyrgyzstan, Lao People’s Democratic Republic, Mongolia, Nicaragua, Poland, Romania, Russian Federation, Syrian Arab Republic, Tajikistan, Turkmenistan, Ukraine, Viet Nam and Yemen.

C. Signatories of the International Organization of Space Communications

As of January 2010, Intersputnik member States had appointed, from among national telecommunications organizations and/or administrations, 21 Intersputnik signatories.

The Government of Kazakhstan, having approved the Protocol on Amendments, is in the process of appointing a Signatory to sign the Intersputnik Operating

² United Nations, *Treaty Series*, vol. 862, No. 12343.

Agreement. The State-owned company Kazsatnet took part, as an observer, in the 10th meeting of the Operations Committee, held in November 2009.

D. Companies of the International Organization of Space Communications

The phased privatization of Intersputnik is currently being carried out through the establishment of a group of companies that take care of the bulk of the core business of Intersputnik. Those companies serve the purpose of business diversification and principally consist of ventures controlled by Intersputnik Holding Ltd., Intersputnik's wholly owned subsidiary that was established in 2005, in three member States of the Commonwealth of Independent States (CIS) (Kyrgyzstan, the Russian Federation and Tajikistan).

Despite the complicated economic and financial situation resulting from the global financial crisis and the devaluation of local currencies by 10-15 per cent, Intersputnik Holding's revenues grew in 2009 in comparison to the previous year. The success of the whole group of companies has justified the decision to establish Intersputnik Holding Ltd.

Apart from its economic role, Intersputnik Holding Ltd. helps Intersputnik to expand its cooperation with countries where Intersputnik Holding's companies are present. In such countries, Intersputnik offers up-to-date telecommunications or broadcasting solutions on any scale to authorities, private companies and individuals. Intersputnik Holding Ltd. uses this experience to launch similar businesses in other Intersputnik member States that show interest in its activities.

E. Cooperation with International Organizations

Intersputnik has always participated in international activities that are aimed at deepening and developing constructive cooperation with other national, regional and international organizations in the field of space law and satellite communications.

The following are some of the organizations and other entities of which Intersputnik is a member or permanent observer: Committee on the Peaceful Uses of Outer Space, International Telecommunication Union (ITU) Radiocommunication Sector, United Nations Educational, Scientific and Cultural Organization, Asia-Pacific Satellite Communications Council, Global VSAT Forum, International Institute of Space Law, International Law Association, International Telecommunications Academy, National Association of TV and Radio Broadcasters (Russian Federation), Regional Commonwealth in the field of Communications (RCC), Federation of Cosmonautics (Russian Federation), and the International Centre for Space Law under the V. M. Koretsky Institute of State and Law of the National Academy of Sciences of Ukraine.

Intersputnik representatives actively participated in the work of a number of RCC commissions and working groups that bring together the telecommunications administrations of the CIS, Baltic, Central and Eastern European countries. One of the most important bodies of RCC is the working group for the revision of RCC constitutional instruments. It is responsible for drafting documents to establish an international organization called the "Regional Commonwealth in the field of Communications" on the basis of the RCC association, which is a legal entity under Russian law. Using its 37 years of managerial, technological and legal experience,

Intersputnik is determined to continue assisting RCC in establishing a new specialized international organization.

Intersputnik's representatives also sit on the RCC Commission for International Cooperation Coordination. Its mission is to consolidate cooperation among RCC member States and make sure that the interests of those countries are reconciled with those of their partners, while creating an information and communications space to be integrated into the global information infrastructure.

In addition, Intersputnik is a member of the RCC Commission for the electromagnetic compatibility of radio electronic facilities, which coordinates cooperation among the telecommunications administrations of the RCC member States in regulating the use of frequencies and ensuring the efficient use of the frequency spectrum and the compatibility of radio electronic equipment.

F. Assistance to telecommunications administrations and satellite operators worldwide

Owing to its intergovernmental status, Intersputnik can act as a focal point for efficient cooperation between the public and private sectors worldwide.

Intersputnik continues to implement programmes related to the use of frequency/orbit resources and to analyse similar projects as part of the development strategy of the frequency/orbit resources approved by its governing bodies.

In particular, Intersputnik continued implementing a project in cooperation with the Russian satellite system manufacturer Reshetnev Information Satellite Systems (ISS) and the Israeli satellite operator Spacecom.

The three parties jointly launched a project to put into geostationary orbit and operate a telecommunications satellite. Under this project, Intersputnik correlated the interests of the parties in the context of different systems of law. As a result, in mid-2008, ISS and Spacecom signed a contract for the manufacture and launch of a telecommunications spacecraft by the end of 2010.

The implementation of this project has helped rocket and space industry of the Russian Federation to make a crucial breakthrough into the highly competitive global market of high-tech satellite systems and has demonstrated the ability of Intersputnik to act as a link for implementing international telecommunications infrastructure projects.

Intersputnik sees great potential in taking part in the establishment of a nationwide satellite telecommunications system in Turkmenistan — one of its member States. The technical and economic conditions are currently being defined for the expected tender. ISS will bid as a manufacturer of a telecommunications satellite and as a launch service provider.

Intersputnik successfully implemented a new project aimed at upgrading and refurbishing an antenna system at the Caribe Satellite Communications Centre in Cuba. The project was launched under a resolution of the Russian-Cuban Intergovernmental Commission on Trade, Economic, Scientific and Technological Cooperation. That Intersputnik was chosen to implement the project demonstrates the high regard in which both Cuba and the Russian Federation hold its professional expertise.

G. New notifying administration

In June 2009, the Ministry of Communications and Informatization of Belarus decided to cease acting as the notifying administration of Intersputnik to ITU and asked Intersputnik to enter into an agreement with a different notifying administration. Therefore, at their joint meeting in April 2009, the Board and the Operations Committee instructed the Director General to hold consultations with interested Telecommunications Administrations of Intersputnik member States and sign an agreement with a new notifying administration. After those consultations, the telecommunications administration of the Russian Federation agreed to assume that function. To date, a draft agreement between Intersputnik and the telecommunications administration of the Russian Federation is being reviewed by the Government. Once signed, it will have the status of an international treaty.

As part of its cooperation with the new notifying administration, Intersputnik also signed an agreement with the Russian Federation's federal enterprise the Main Radio Frequency Centre on providing technical support to the telecommunications administration of the Russian Federation in its role as the notifying administration.

An important decision for governing bodies of Intersputnik was how to regulate the procedure of cooperation between Intersputnik, ITU and the notifying administration with respect to Intersputnik's orbit/frequency resource. The Directorate drafted a new version of the Filing Procedures, which will supersede a similar document that has been used since 1994 but had become obsolete as it no longer reflected the experience of cooperation among Intersputnik, ITU and the notifying administration.

The Directorate summarized and took into account as far as possible all comments and proposals from Intersputnik member States and Signatories with respect to the new version of the filing procedures, which were approved by the Intersputnik Operations Committee in November 2009. Once the new version of the filing procedures is approved by the Intersputnik Board in April 2010, the filing procedures will take effect and make it possible for Intersputnik to benefit from a new level of international legal protection for its orbit/frequency resource. The new filing procedures will also make its cooperation with ITU and the notifying administration much more efficient.

International Telecommunication Satellite Organization

The 32nd meeting of the International Telecommunications Satellite Organization (ITSO) Assembly of Parties, held in Estoril, Portugal, took decisions on a number of key issues, including the Parties' common heritage assets, consisting of orbital locations and associated frequency assignments currently used by Intelsat, the goals and objectives of ITSO for the period 2008-2013, namely universalizing satellite broadband connectivity, and the ongoing provision of international public telecommunications services by Intelsat in a more uncertain financial and economic market. The Assembly elected José Toscano Director General and Chief Executive Officer for a four-year period, until July 2013.

During 2008, Intelsat Ltd. was acquired by Serafina Holdings Ltd., an entity created by private equity funds that is advised by BC Partners, Silver Lake and other

investors. Since the transaction involved the transfer of control of the Intelsat licences to the new owners, and in particular the licences for use by Intelsat of the parties' common heritage orbital positions and associated frequency assignments, ITSO, Intelsat and the buyers worked closely together to ensure that the transfer would not affect public service obligations of Intelsat or the integrity of the parties' common heritage, and would promote new services. In further support of these efforts, in February 2008 the United States Federal Communications Commission modified the satellite licences previously issued to Intelsat for the use of those orbital resources so as to establish more clearly the ongoing nature of its public service obligations. That decision was taken in coordination with the United States Department of State and Intelsat.

ITSO continued to promote the Global Broadband Satellite Infrastructure Initiative, which was presented to the World Summit on the Information Society as a contribution to ensuring high-speed Internet access in rural and under-served areas of the world.
