



**International Mobile Satellite Organization**

**ASSEMBLY**

Twentieth Session

Malta, 29 September to 3 October 2008

ASSEMBLY/20/4.3

Origin: Director

Date: 25 June 2008

**STATUS OF CONSTITUENT AND OTHER INSTRUMENTS**

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

<b><i>Executive Summary:</i></b>	this document sets out the list of Parties to the Protocol on the Privileges and Immunities of IMSO and to the Amending Agreement thereto
<b><i>Action to be taken:</i></b>	1. to note that forty (40) States are Parties to the Protocol and thirteen (13) States are Parties to the Amending Agreement; and 2. to urge Parties which have not already done so to become Party to the Amended Protocol
<b><i>Related documents:</i></b>	ASSEMBLY/20/INF/3, Annex V

**1 BACKGROUND**

1.1 The Protocol on the Privileges and Immunities of the International Mobile Satellite Organization entered into force on 30 July 1983.

1.2 At its Thirteenth Session, held in September 1998, the Assembly adopted the text of an Amending Agreement to the Protocol on the Privileges and Immunities of Inmarsat, as a consequence of the privatization, which provided for removal of references to the Operating Agreement, the Signatories, the Inmarsat space segment and the acronym "Inmarsat" and other editorial changes (Assembly/13/Report, paragraph 4.7.5 and Annexes 41 to 44, refer).

1.3 The Amending Agreement entered into force on 22 August 1999, following the requisite signature thereto by two Parties.

1.4 For convenience, the text of the Protocol, as revised by the Amending Agreement, in the English, French, Spanish and Russian languages, is contained in Annex V to ASSEMBLY/20/INF/3.

## 2 ACTION REQUIRED

### 2.1 Amending Agreement to the Protocol

The Assembly notes that, since the last Session of the Assembly, no further Parties have become party to the Amending Agreement to the Protocol on the Privileges and Immunities of the International Mobile Satellite Organization (IMSO) which entered into force on 22 August 1999. As at 2 June 2008, thirteen (13) States were Parties to the Amending Agreement. The status of the Amending Agreement is set forth in **Annex I** to this document.

The Assembly decides to urge Parties which have not already done so to become Parties to the Amending Agreement, under Article XXIII thereof, by the deposit of the appropriate instrument with the IMSO Director, who is the Depositary.

The Assembly notes that a State which is a Party to the Amending Agreement but is not a Party to the Protocol shall be bound by the provisions of the Protocol as amended by the 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.

### 2.2 Protocol on Privileges and Immunities

The Assembly notes that there have been no new Parties to the Protocol on the Privileges and Immunities of the International Mobile Satellite Organization since the last Session of the Assembly and that, as at 2 June 2008, forty (40) States were Parties to the Protocol, as set forth in **Annex II** to this document.

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**LIST OF PARTIES TO THE AMENDING AGREEMENT  
TO THE PROTOCOL ON PRIVILEGES AND IMMUNITIES  
OF THE INTERNATIONAL MOBILE SATELLITE ORGANIZATION  
WHICH ENTERED INTO FORCE ON 22 AUGUST 1999  
(as at 25 June 2008)**

<u>Party</u>	<u>Date of Signature or Deposit of Instrument by Party</u>	<u>Date of Entry into Force of the Amending Agreement for Party</u>
Bahrain	4 October 1999	3 November 1999
Brazil <u>1/</u>	18 December 1999	17 January 2000
Canada <u>2/</u>	22 July 1999	21 August 1999
Cuba	29 November 1999	29 December 1999
Cyprus	18 September 2002	18 October 2002
Denmark	7 January 2000	6 February 2000
Gabon	17 September 2002	17 October 2002
Germany	21 July 2000	20 August 2000
Portugal	9 January 2002	8 February 2002
Slovak Republic <u>3/</u>	3 December 2001	2 January 2002
Sweden	24 May 2004	23 June 2004
Switzerland	28 May 1999	21 August 1999
Tunisia	18 October 2001	17 November 2001
<b>TOTAL</b>	<b>13</b>	

**Notes:**

1/ With a reservation in relation to Article XVII concerning settlement of disputes, since it does not fulfil the procedural norms for international acts required by Brazil's domestic legislation.

2/ with the following reservations:

1. Article 4 of the Protocol on the Privileges and Immunities of the International Maritime Satellite Organization (INMARSAT) as amended by Article VI of the Amending Agreement to the Protocol on the Privileges and Immunities of the International Mobile Satellite Organization (Inmarsat), to be replaced by Sections 7 and 8 of the Convention on the Privileges and Immunities of the United Nations;

2. Paragraph 7(1)(d) of the Protocol on the Privileges and Immunities of the International Maritime Satellite Organization (INMARSAT) as amended by Article IX of the Amending Agreement to the Protocol on the Privileges and Immunities of the International Mobile Satellite Organization (Inmarsat), to be replaced by

Sub-Section 18(d) of the Convention on the Privileges and Immunities of the United Nations;

3. Paragraph 7(1)(g) of the Protocol on the Privileges and Immunities of the International Maritime Satellite Organization (INMARSAT) as amended by Article IX of the Amending Agreement to the Protocol on the Privileges and Immunities of the International Mobile Satellite Organization (Inmarsat), to be replaced by the following:

“the right to import free of duty their furniture and effects at the time of first taking up their post in the State concerned. However, except in accordance with laws and regulations of the State concerned, goods which have been exempted under this paragraph shall not be transferred, hired out or lent, permanently or temporarily, or sold.”

4. Paragraph 9(1)(d) of the Protocol on the Privileges and Immunities of the International Maritime Satellite Organization (INMARSAT), to be replaced by the following:

“exemption, together with their spouses, from immigration and alien registration.”

5. Canada will no longer grant exemption provided in paragraph 11(1)(d) (new 10(1)(d)) of the Protocol on the Privileges and Immunities of the International Maritime Satellite Organization (INMARSAT) as amended by Articles XI and XII of the Amending Agreement to the Protocol on the Privileges and Immunities of the International Mobile Satellite Organization (Inmarsat).

3/ With the following declaration: The exemption from income tax provided for in Article 7(2) of the Protocol on the Privileges and Immunities of the International Mobile Satellite Organization (IMSO) shall not be extended to Slovak citizens or persons having permanent residence in Slovakia.

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**LIST OF PARTIES TO THE PROTOCOL  
ON THE PRIVILEGES AND IMMUNITIES OF THE  
INTERNATIONAL MOBILE SATELLITE ORGANIZATION  
WHICH ENTERED INTO FORCE ON 30 JULY 1983**  
(as at 25 June 2008)

<u>Inmarsat Party</u>	<u>Date of Signature or Deposit of Instrument by Party</u>	<u>Date of Entry into Force of the Protocol for Party</u>
ARGENTINA (accession)	7 December 1988	6 January 1989
BELARUS (signature)	27 May 1982	30 July 1983
BELGIUM (accession)	7 February 1992	8 March 1992
BRAZIL (ratification) <sup>1/</sup>	7 January 1993	6 February 1993
BULGARIA (accession)	12 October 1982	30 July 1983
CAMEROON (accession)	22 January 1992	21 February 1992
CANADA (accession) <sup>2/</sup>	30 June 1983	30 July 1983
CHILE (ratification) <sup>3/</sup>	1 February 1984	2 March 1984
CHINA, PR of (approval) <sup>4/ , 17/</sup>	13 May 1987	12 June 1987
CUBA (accession) <sup>5/</sup>	19 June 1992	19 July 1992
CYPRUS (accession)	29 March 1994	28 April 1994
DENMARK (accession)	23 July 1986	22 August 1986
FINLAND (signature)	25 May 1982	30 July 1983
FRANCE (approval) <sup>6/</sup>	19 September 1985	19 October 1985
GABON (accession)	16 December 1998	15 January 1999
GERMANY, FR of (ratification)	9 November 1984	9 December 1984
GREECE (ratification)	14 October 1988	13 November 1988
ICELAND (accession)	26 October 1998	25 November 1998
INDIA (accession)	7 October 1987	6 November 1987
INDONESIA (accession) <sup>7/</sup>	14 November 1989	14 December 1989
IRAQ (accession)	14 August 1986	13 September 1986
ITALY (accession) <sup>8/</sup>	28 November 1988	28 December 1988
KUWAIT (ratification) <sup>9/</sup>	25 March 1986	24 April 1986
LATVIA (accession)	17 November 1997	17 December 1997
LIBERIA (accession)	25 November 1982	30 July 1983
MOROCCO (accession)	12 July 1999	12 August 1999
NETHERLANDS (accession) <sup>10/</sup>	14 June 1983	30 July 1983
NORWAY (signature)	19 April 1982	30 July 1983
OMAN (ratification)	18 August 1986	17 September 1986
POLAND (accession)	29 January 1987	28 February 1987
PORTUGAL (ratification) <sup>11/</sup>	17 October 1995	16 November 1995
QATAR (accession)	14 May 1992	13 June 1992
ROMANIA (accession)	8 April 1992	8 May 1992
RUSSIAN FEDERATION (signature) <sup>12/</sup>	27 May 1982	30 July 1983
SAUDI ARABIA (accession) <sup>13/14/</sup>	14 March 1988	13 April 1988

SPAIN (accession) <sup>15/</sup>	16 January 1991	15 February 1991
SRI LANKA (signature)	27 April 1982	30 July 1983
SWEDEN (ratification)	5 December 1984	4 January 1985
SWITZERLAND (accession) <sup>16/</sup>	23 April 1992	23 May 1992
UKRAINE (signature)	27 May 1982	30 July 1983
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TOTAL 40 Parties		

**Notes:**

- 1/ With the following reservation:  
"With reservation as to Article 17."
- 2/ With the following reservation:  
"Notwithstanding paragraph 2 of Article 7 of the Protocol on the Privileges and Immunities of the International Maritime Satellite Organization (Inmarsat), the exemption from taxation imposed by any law in Canada on salaries and emoluments shall not extend to a Canadian citizen residing or ordinarily resident in Canada."
- 3/ With the following reservations:  
"a) No tendrá aplicación en Chile la frase final del Artículo 2, número 3), letra b), subpárrafo iii), que dice textualmente: "siempre que tal expropiación no perjudique las funciones y actividades de Inmarsat".  
  
b) la exención contemplada en el número 3) del Artículo 4 comprenderá solamente los impuestos que graven las importaciones que Inmarsat haga en Chile con los fines señalados en la referida disposición."
- 4/ With the following reservation:  
"The Chinese Government considers that Article 4(4) shall be implemented in a manner consistent with the Chinese laws and regulations."
- 5/ With the following declaration:  
"El Gobierno de la Republica de Cuba declara, en relación con las disposiciones contenidas en el Artículo 17 del presente Protocolo, que las diferencias que surjan entre las Partes en la interpretación o aplicación de este instrumento internacional, deben ser resueltas mediante negociacion por la via diplomática."
- 6/ With the following reservations:  
"Article 4, paragraphes (1), (2), (3), (8)  
"Le Gouvernement de la République française interprète les dispositions de l'article 4 paragraphes 1.2.3.8. comme permettant à l'Organisation de bénéficier des seules exonérations prévues par l'article 26 paragraphe premier de la Convention portant création de l'Organisation Internationale de Télécommunications Maritimes par Satellites ouverte à la signature à Londres le 3 Septembre 1976".

"Article 7, paragraphe premier alinéas b) d) et f)

"Le Gouvernement de la République française interprète le mot "ménage" mentionné à l'article 7 paragraphe premier alinéas b) d) et f) comme désignant le conjoint et les enfants mineurs vivant au foyer".

"Article 7, paragraphe premier alinéas e) f), article 11, paragraphe premier alinéas c) et e)

"Le Gouvernement de la République française déclare que la référence aux organisations intergouvernementales faite à l'article 7 paragraphe premier alinéas e) et f) ainsi qu'à l'article 11 paragraphe premier alinéas c) et e) vise les organisations intergouvernementales équivalentes à IINMARSAT".

"Articles 7.9.10.11

"Le Gouvernement de la République française déclare que les immunités prévues aux articles 7.9.10.11 qui sont accordées à leurs bénéficiaires dans l'exercice de leurs fonctions, le sont dans la limite de leurs attributions".

"Article 8

"Le Gouvernement de la République française déclare que les immunités prévues à l'article 8 paragraphe premier alinéas b) et c) ne sont accordées au Directeur Général qu'à l'occasion de l'exercice de ses fonctions officielles et dans la limite de ses attributions".

"Article 9

"Le Gouvernement de la République française déclare que les dispositions de l'article 9 paragraphe premier alinéa a) ne s'appliquent pas en cas de flagrant délit".

- 7/ With the following reservations with regard to Articles 2(3)(b), 4, 7, 8, 9, 10, 11 and 17:
- i) The capacity of Inmarsat to acquire and dispose, in particular, of immovable property shall be exercised with due regard to the Indonesian laws and regulations.
  - ii) The exemption from taxes and duties provided in Article 4 accorded to Inmarsat are subject to the Indonesian laws and regulations.
  - iii) The privileges and immunities accorded to Inmarsat as prescribed in Articles 7, 8, 9, 10 and 11 respectively, shall be exercised with due regard to the Indonesian laws and regulations.
  - iv) Any dispute arising out of the interpretation or implementation of this Protocol provided in Article 17, shall be settled through negotiation or consultation.

- 8/ With the following reservation:  
"The exemption from income tax provided for in Article 7(2) of the Protocol on the Privileges and Immunities of the International Maritime Satellite Organization (Inmarsat) shall not be extended to Italian citizens or persons ordinarily resident in Italy."
- 9/ With the following statement of understanding:  
"It is understood that the Ratification of the Protocol on the Privileges and Immunities of the International Maritime Satellite Organization does not mean in any way a recognition of Israel by the Government of the State of Kuwait. Furthermore, no treaty relations will arise between the State of Kuwait and Israel."
- 10/ With the following reservation:  
"The Kingdom of Netherlands will not apply Article 10, paragraph 1(a) and (c), of the Protocol in cases in which the Signatory is a private entity."
- 11/ With the following reservations:  
"Article 4(1) - The exemption related to this provision is applicable to Inmarsat in the framework of its official activities in relation to its income and assets, including the spatial sector of Inmarsat, with regard to taxes on income and taxes on assets, appertaining to Portugal the respective classification;  
Article 7(2) - The exemption established herein does not encompass any contributions or similar benefits to pensions neither regarding Portuguese nationals nor permanent residents in Portugal;  
Article 7(3) - The system of contributive exemption foreseen in this provision should be the object of an agreement to be reached under Article 18."
- 12/ Signed by the former USSR.
- 13/ With the following reservation:  
"Reservations are held regarding paragraph 2, Article 6 of the Protocol."
- 14/ With the following statement:  
"This accession does not imply in any way the recognition of Israel and does not lead us to enter into any dealings with Israel as may be set out in this Protocol."
- 15/ With the following declaration:  
"En el caso de España la expresión "otros gravámenes no incorporados normalmente en el precio de los bienes y servicios" se entiende referidos, en concreto, al Impuesto sobre Transmisiones Patrimoniales y Actos Jurídicos Documentados."

- 16/ With the following reservation:  
"La Suisse considère que l'impôt sur le chiffre d'affaires identifiable, au sens de l'article 4, 2e alinéa, est celui qui frappe la livraison à INMARSAT de marchandises d'une valeur supérieure à 500 francs suisses."
- 17/ By Note dated 18 December 1997, the Government of the People's Republic of China stated that the Hong Kong Special Administrative Region (HKSAR) is covered by the Protocol but the reservation to Article 4 (4), referred to in footnote 3 above, does not apply to HKSAR.
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