



International Mobile Satellite Organization

ASSEMBLY

Twentieth Session

Malta, 29 September to 3 October 2008

Agenda item 4.1

ASSEMBLY/20/4.1

Origin: Director

Date: 25 June 2008

STATUS OF CONSTITUENT AND OTHER INSTRUMENTS

ACCEPTANCE OF AMENDMENTS TO THE IMSO CONVENTION

Executive Summary:

this document discusses the status of acceptances of the amendments to the IMSO Convention

Action to be taken:

1. to note that, on 18 January 2008, the Slovak Republic formally accepted the amendments to the IMSO Convention, the first IMSO Party to do so.
2. to decide to urge all Parties to accept the amendments as soon as possible and to request the Director to assist Parties as appropriate to expedite the entry into force of the amendments.

Related documents:

ASSEMBLY/20/4.2, ASSEMBLY/20/INF/4, Annex II

1 BACKGROUND

1.1 At its Eighteenth Session, the IMSO Assembly adopted amendments to the IMSO Convention which extend the oversight functions of IMSO to all GMDSS providers in the future, as requested by IMO. The amendments also give IMSO the task of overseeing, in addition to GMDSS, long range tracking and identification of ships (LRIT), developed by IMO as part of that Organization's response to improve maritime security, safety and environment protection.

- 1.2 At its Nineteenth (Extraordinary) Session, the Assembly:
- (a) decided “*that the amendments to the IMSO Convention adopted at the Eighteenth Session of the Assembly should enter into force on the basis of provisional application from 7 March 2007, pending their formal entry into force in accordance with Article 18 of the IMSO Convention*”;
 - (b) noted “*that such provisional application would mean that Parties will conduct themselves, in their relationships with each other and the Organization, within the limits allowed by their national constitutions, laws and regulations, as if the amendments were in force with effect from such date*”;
 - (c) decided “*to urge all Parties to use their best endeavours to accept the amendments in accordance with Article 18 of the IMSO Convention as soon as possible so as to expedite their formal entry into force, and to request the Director to exert his best efforts to assist IMSO Parties as appropriate to expedite the entry into force of the amendments*”; and
 - (d) decided “*that the Organization may assume the functions and duties of the LRIT Co-ordinator with effect from 7 March 2007, at no cost to Parties, in accordance with decisions of IMO, where Article 4 of the amended Convention will be applied on a provisional basis*”.

2 ACCEPTANCE OF AMENDMENTS TO THE CONVENTION

2.1 In accordance with Article 18 of the IMSO Convention, acceptance to the amendments is effected by the deposit of an instrument of acceptance with the Depositary of the Convention, the Secretary-General of the International Maritime Organization (IMO). The amendments shall enter into force one hundred and twenty (120) days after the Depositary has received notices of acceptance from two-thirds of those States which, at the time of their adoption by the IMSO Assembly, were Parties to the IMSO Convention. In September 2006, there were 91 Parties to the Convention so a total of 61 acceptances is needed for the amendments to enter formally into force.

2.2 On 18 January 2008, the Slovak Republic formally accepted the amendments to the IMSO Convention, the first IMSO Party to do so, in conformity with Article 19(2)(d) of the Convention.

2.3 The Director has continued to take all necessary steps to urge all IMSO Member States to take the necessary action to accept the 2006 amendments as soon as possible, in order for them to enter formally into force. For convenience, a Model Form of Acceptance is attached.

2.4 Parties which became Members of the Organization following the adoption by the Assembly of the Convention amendments in September 2006 (Cook Islands) are not required to accept the amendments as they would be considered as having accepted them

3 **ACTION REQUIRED**

3.1 The Assembly notes that, on 18 January 2008, the Slovak Republic formally accepted the amendments to the IMSO Convention.

3.2 The Assembly decides to urge all Parties to use their best endeavours to accept the amendments in accordance with Article 18 of the IMSO Convention as soon as possible so as to expedite their formal entry into force, and to request the Director to assist Parties as appropriate to expedite the entry into force of the amendments.

MODEL FORM

[LETTERHEAD OF GOVERNMENT]

Date

Secretary-General
International Maritime Organization
4 Albert Embankment
London SE1 7SR
United Kingdom

**RE: INSTRUMENT OF ACCESSION
TO THE CONVENTION ON THE
INTERNATIONAL MOBILE SATELLITE ORGANIZATION**

WHEREAS the Convention on the International Maritime Satellite Organization, done at London on 3 September 1976, pursuant to Article 33, paragraph (1) thereof, entered into force on 16 July 1979;

WHEREAS, at its Twelfth Session in April 1998, the Inmarsat Assembly adopted restructuring amendments to the Inmarsat Convention and Operating Agreement;

WHEREAS the restructuring amendments to the Convention entered into force on 31 July 2001, in which, *inter alia*, the name of the Organization became the International Mobile Satellite Organization (IMSO);

WHEREAS the IMSO Assembly adopted further amendments to the IMSO Convention which entered into force on the basis of provisional application on 7 March 2007;

WHEREAS Article 17(1) of the Convention, as amended, provides that all States may become Party to the Convention;

NOW THEREFORE, I, _____ [NAME], Minister for
_____ [NAME OF MINISTRY] of
_____ [STATE] have signed this Instrument of Accession to the
Convention on the International Mobile Satellite Organization (IMSO) on this
_____ day of _____ of the year
_____.