

# Amendments to the Convention on the International Mobile Satellite Organization

## Introduction

- 9.1 The International Mobile Satellite Organization (IMSO) is an intergovernmental organisation that oversees public satellite safety and security communication services provided via the International Maritime Satellite Organization (Inmarsat). The IMSO currently has oversight responsibility for maritime safety communications, distress alerting, search and rescue communications, maritime safety information broadcasts and aeronautical safety services.<sup>1</sup>
- 9.2 The amendments to the *Convention on the International Mobile Satellite Organization* will change the role of the IMSO by:
- extending the IMSO's oversight responsibility to all maritime mobile satellite communication service providers for the Global Maritime Distress and Safety System (GMDSS), which is the technical, operational and administrative structure for maritime distress and communications worldwide; and
  - enhancing the IMSO's role as the Coordinator of the Long Range Identification and Tracking of Ships (LRIT), a system for the global identification and tracking of ships established by the International Maritime Organization in response to the growing threat from terrorism.<sup>2</sup>

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1 Ms Poh Aye Tan, Department of Infrastructure and Transport, *Transcript of Evidence*, 22 November 2010, p. 8.

2 *National Interest Analysis (NIA)*, [2010] ATNIA, Amendments to the Amended Convention on

- 9.3 The IMSO assembly has applied these amendments provisionally since 6 October 2008, pending formal ratification by the requisite number of IMSO parties.<sup>3</sup>

## Background to the 2008 amendments

- 9.4 The 1976 *Convention and Operating Agreement on the International Maritime Satellite Organization* established a global mobile satellite communications system for maritime communications and an international organisation called the International Maritime Satellite Organization (INMARSAT) to administer and deliver its services.<sup>4</sup>
- 9.5 The Convention was amended in 1985, 1989 and 1994 in response to changing technology and needs, and included a change to the title of the organisation to International Mobile Satellite Organization (Inmarsat).<sup>5</sup>
- 9.6 In 1998, further amendments were instituted to allow for the privatisation of Inmarsat, dividing it into two entities:
- Inmarsat Ltd – a public limited company that took on all the commercial activities of Inmarsat and was completely privatised by the end of 2003; and
  - IMSO – an intergovernmental body established to ensure Inmarsat Ltd meets its public service obligations, including those relating to the GMDSS.<sup>6</sup>

## Reasons to take treaty action

- 9.7 The amendments are expected to promote open, fair and transparent competition in the mobile and other satellite services industry.<sup>7</sup>

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the International Mobile Satellite Organization adopted at the Twentieth Session of the Assembly, done at Malta on 2 October 2008 [2010] ATNIF 27, para. 3.

3 NIA, para. 2.

4 NIA, para. 6.

5 NIA, para. 7.

6 NIA, para. 8.

7 Ms Tan, Department of Infrastructure and Transport, *Transcript of Evidence*, 22 November 2010, p. 8.

- 9.8 The IMSO's oversight responsibilities have been extended in direct response to the International Maritime Organization's intention to allow private companies to provide GMDSS services. The IMSO will evaluate the capabilities and performance of potential providers on behalf of the international maritime community.<sup>8</sup>
- 9.9 The Committee sought additional information about the provision of GMDSS services by private companies and any potential dangers to this approach. The Department of Infrastructure and Transport advised that the Australian Government considers there is no danger in the privatisation of maritime distress systems, particularly as the current sole provider of GMDSS services, Inmarsat, has been a private company for some years.<sup>9</sup>
- 9.10 Other companies currently provide maritime mobile satellite services outside the GMDSS and will potentially provide GMDSS services in future. The Government considers that the opportunity for more competition would be a positive outcome of these amendments.<sup>10</sup> The Committee notes that this could include Australian companies, either directly or through services to major international companies.<sup>11</sup>
- 9.11 The role of LRIT Co-ordinator is a new initiative of the IMO Maritime Safety Committee, intended to enhance international efforts to ensure maritime safety and security. Under the system, all vessels are required to automatically transmit their identity, position and date/time at six hour intervals. Member States can also receive position reports from vessels operating under their flag, vessels seeking entry to a port within their territory, or vessels operating in proximity to the State's coastline.<sup>12</sup>
- 9.12 The Australian Maritime Safety Authority established a LRIT system in February 2008 for Australian flagged vessels to which LRIT applies. Under the amendments, AMSA will be audited by the IMSO.<sup>13</sup> The Department informed the Committee that the audit will concentrate on the operation of the Australian LRIT Data Centre, which is run by a commercial provider, and will occur annually.<sup>14</sup>

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8 NIA, para. 9.

9 Department of Infrastructure and Transport, *Submission 3*, p. 2.

10 Department of Infrastructure and Transport, *Submission 3*, p. 2.

11 Department of Infrastructure and Transport, *Submission 3*, p. 2.

12 NIA, para. 11.

13 NIA, para. 13.

14 Department of Infrastructure and Transport, *Submission 3*, p. 3.

## Implementation

- 9.13 Legislative changes are not required to implement the amendments, which have been implemented by the Australian Maritime Safety Authority through Marine Orders, Marine Notices and establishment of a National Data Centre.<sup>15</sup>
- 9.14 When asked about the limited number of parties that have agreed to the amendments, the Committee was informed that the amendments are generally supported but, because they have been implemented provisionally, the process of formal agreement by Member States has been slow.<sup>16</sup>

## Conclusion

- 9.15 The Committee supports efforts to improve maritime safety through the initiatives contained in the proposed amendments to the *Convention on the International Mobile Satellite Organization*. The Committee therefore supports binding treaty action being taken.

### Recommendation 11

**The Committee supports the *Amendments to the Convention on the International Mobile Satellite Organization* and recommends that binding treaty action be taken.**

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15 NIA, para. 22.

16 Mr Paul Nelson, Australian Maritime Safety Authority, *Transcript of Evidence*, 22 November 2010, p. 9.