

**1976 年國際海事衛星組織公約**  
1976 年 9 月 3 日 訂於倫敦，1979 年 7 月 16 日生效

**Convention on the International Maritime Satellite Organization**

London 3 September 1976; Entered into Force on 16 July 1979

**IMSOC - 1976**

**The States Parties to this Convention**

**Considering** the principle set forth in Resolution 1721 (XVI) of the General Assembly of the United Nations that communication by means of satellites should be available to the nations of the world as soon as practicable on a global and non-discriminatory basis,

**Considering** the relevant provisions of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and Other Celestial Bodies, concluded on 27 January 1967, and in particular article 1, which states that outer space shall be used for the benefit and in the interests of all countries,

**Taking into account** that a very high proportion of world trade is dependent upon ships,

**Being aware** that considerable improvements to the maritime distress and safety systems and to the communication link between ships and between ships and their management as well as between crew or passengers on board and persons on shore can be made by using satellites,

**Determined**, to this end, to make provision for the benefit of ships of all nations through the most advanced suitable space technology available, for the most efficient and economic facilities possible consistent with the most efficient and equitable use of the radio frequency spectrum and of satellite orbits,

**Recognizing** that a maritime satellite system comprises mobile earth stations and land earth stations, as well as the space segment,

**Agree** as follows:

**Article 1 Definitions**

For the purposes of this Convention:

- a. "Operating Agreement" means the Operating Agreement on the International Maritime Satellite Organization (INMARSAT), including its annex.
- b. "Party" means a State for which this Convention has entered into force.

**本公約各締約國：**

**考慮到**聯合國大會第 1721(XVI)號決議所規定的衛星通訊應儘快依實際可能在全球範圍內一視同仁的基礎上供世界各國使用的原則，

**考慮到**1967 年 1 月 27 日達成的各國探索與利用包括月球及其它星體在內的外太空原則條約」的有關規定，特別是第 1 條所述的外太空的利用，應符合所有國家的利益的規定，

**注意到**世界貿易的很大一部分是依靠船舶進行的，

**意識到**海上遇險及安全系統、船舶之間、船舶與其管理部門之間、以及船員或旅客與岸上人員之間的通信聯絡通過使用衛星能夠得到很大改進，

**決定**，為達到此目的，通過現有最先進的適當空間技術，為所有國家的船舶的利益，盡可能提供最有效、最經濟的設計並最有效及最公平地利用無線電頻譜及衛星軌道，

**認識到**海事衛星系統由移動地球站、陸上地球站及空間段所組成。

**同意**下列條款：

**第 1 條 定義**

於本公約：

- (a)“業務協定”係指「國際海事衛星組織業務協定」及其附件。
- (b)“締約國”係指本公約對其已生效的國家。

- c. "Signatory" means either a Party or an entity designated in accordance with article 2(3), for which the Operating Agreement has entered into force.
  - d. "Space segment" means the satellites, and the tracking, telemetry, command, control, monitoring and related facilities and equipment required to support the operation of these satellites.
  - e. "INMARSAT space segment" means the space segment owned or leased by INMARSAT.
  - f. "Ship" means a vessel of any type operating in the marine environment. It includes inter alia hydrofoil boats, air-cushion vehicles, submersibles, floating craft and platforms not permanently moored.
  - g. "Property" means anything that can be the subject of a right of ownership, including contractual rights.
- (c)“簽字國”係指「業務協定」對其已生效的締約國或依第2條第(3)項所指定的一個實體。
  - (d)“空間段”係指衛星以及跟蹤、遙測、指令、控制、監測及輔助衛星運行所需的有關設施及設備。
  - (e)“國際海事衛星組織的空間段”係指國際海事衛星組織所擁有或租用的空間段。
  - (f)“船舶”係指在海上運行及作業的任何類型的船舶。其中包括水翼船、氣墊船、潛水器、浮動艇筏及非永久性錨泊的水上平臺。
  - (g)“財產”係指帶有所有權的包括契約權在內的任何物品。

## Article 2 Establishment of INMARSAT

1. The International Maritime Satellite Organization (INMARSAT), herein referred to as "the Organization", is hereby established.
2. The Operating Agreement shall be concluded in conformity with the provisions of this Convention and shall be opened for signature at the same time as this Convention.
3. Each Party shall sign the Operating Agreement or shall designate a competent entity, public or private, subject to the jurisdiction of that Party, which shall sign the Operating Agreement.
4. Telecommunications administrations and entities may, subject to applicable domestic law, negotiate and enter directly into appropriate traffic agreements with respect to their use of telecommunications facilities provided pursuant to this Convention and the Operating Agreement, as well as with respect to services to be furnished to the public, facilities, division of revenues and related business arrangements.

## Article 3 Purposes

1. The purpose of the Organization is to make provision for the space segment necessary for improving maritime communications, thereby assisting in improving communications for distress and safety of life, communications for air traffic services, the efficiency and management of ships, maritime public correspondence services and radiodetermination capabilities.
2. The Organization shall seek to serve all areas where there is need for maritime and aeronautical communications.
3. The Organization shall act exclusively for peaceful purposes.

## Article 4 Relations between a Party and its designated entity

Where a Signatory is an entity designated by a Party:

- a. Relations between the Party and the Signatory shall be governed by

## 第2條 國際海事衛星組織的建立

- (1)茲建立國際海事衛星組織，以下簡稱“本組織”。
- (2)應依本公約的規定制定「業務協定」，並應與本公約同時開放簽字。
- (3)每一締約國應簽署「業務協定」，或指定在其管轄下的有資格的公營或私營實體簽署「業務協定」。
- (4)各電信主管部門及實體，可依據其現行國內法律進行談判，就依本公約及「業務協定」所提供的電信設施，以及向公眾提供的各種業務、設施、收入的分攤及有關的業務安排，直接訂立適當的業務協定。

## 第3條 宗旨

- (1)本組織的宗旨是為改進海上通信，而提供所必須的空間段，從而有助於改進海上遇險及人命安全通信、船舶效率及管理、海上公眾通信業務及無線電定位能力。
- (2)本組織應盡力為需要海上通信的一切區域服務。
- (3)本組織僅為及平目的而行動。

## 第4條 締約國與其所指定的實體之間的關係

當簽字國是締約國所指定的實體時：

- (a)該締約國及簽字國之間的關係，應受

applicable domestic law.

- b. The Party shall provide such guidance and instructions as are appropriate and consistent with its domestic law to ensure that the Signatory fulfils its responsibilities.
- c. The Party shall not be liable for obligations arising under the Operating Agreement. The Party shall, however, ensure that the Signatory, in carrying out its obligations within the Organization, will not act in a manner which violates obligations which the Party has accepted under this Convention or under related international agreements.
- d. If the Signatory withdraws or its membership is terminated the Party shall act in accordance with article 29(3) or 30(6).

國內現行法律的拘束。

- (b)該締約國應給於適當的並與國內法律相一致的指導及指示，以保證該簽字履行其職責。
- (c)該締約國不承擔依據「業務協定」所引起的責任。但該締約國應保證，該簽字國在本組織內履行其義務時，其行動不得違反該締約國依據本公約或有關國際協定所承擔的義務。
- (d)如簽字國退出本組織或其成員資格被終止，則該締約國應依第 29 條第(3)項或第 30 條第(6)項的規定辦理。

## Article 5 Operational and financial principles of the organisation

1. The Organization shall be financed by the contributions of Signatories. Each Signatory shall have a financial interest in the Organization in proportion to its investment share which shall be determined in accordance with the Operating Agreement.
2. Each Signatory shall contribute to the capital requirements of the Organization and shall receive capital repayment and compensation for use of capital in accordance with the Operating Agreement.
3. The Organization shall operate on a sound economic and financial basis having regard to accepted commercial principles.

## 第 5 條 本組織的經營及財務原則

- (1)本組織應以各簽字國進行投資的方式籌集資金。每一簽字國在本組織內享有依「業務協定」所確定的與其投資股份成比例的財務利益。
- (2)每一簽字國應分攤本組織的資本需求，並應依「業務協定」獲得資本償還及資本使用報酬金。
- (3)本組織在考慮到公認的商業原則下，應在健全的經濟及財務制度基礎上進行經營。

## Article 6 Provisions of space segment

The Organization may own or lease the space segment.

## 第 6 條 空間段的提供

本組織可以擁有或租用空間段。

## Article 7 Access to space segment

1. The INMARSAT space segment shall be open for use by ships of all nations on conditions to be determined by the Council. In determining such conditions, the Council shall not discriminate among ships on the basis of nationality.
2. The Council may, on a case-by-case basis, permit access to the INMARSAT space segment by earth stations located on structures operating in the marine environment other than ships, if and as long as the operation of such earth stations will not significantly affect the provision of service to ships.
3. Earth stations on land communicating via the INMARSAT space segment shall be located on land territory under the jurisdiction of a Party and shall be wholly owned by Parties or entities subject to their jurisdiction. The Council may authorize otherwise if it finds this to be in the interests of the Organization.

## 第 7 條 接入空間段

- (1)國際海事衛星組織的空間段應依理事會所決定的條件，向所有國家的船舶開放使用。理事會在決定這種條件時，對各國船舶應一視同仁。
- (2)理事會依據具體情況，可允許設置在海上環境作業的建築物上的非船舶地球站，接入國際海事衛星組織的空間段，只要這樣的地球站的工作不會明顯影響對船舶提供的業務。
- (3)通過國際海事衛星組織的空間段進行通信的陸上地球站應設置在締約國所管轄的領土上，並應完全歸各締約國或其管轄下的實體所有。理事會在認為符合本組織的利益時，可另行處置。

## Article 8 Other space segments

1. A Party shall notify the Organization in the event that it or any person within its jurisdiction intends to make provision for, or initiate the use of, individually or jointly, separate space segment facilities to meet any or all of the maritime purposes of the INMARSAT space segment, to insure technical compatibility and to avoid significant economic harm to the INMARSAT system.
2. The Council shall express its views in the form of a recommendation of a non-binding nature with respect to technical compatibility and shall provide its views to the Assembly with respect to economic harm.
3. The Assembly shall express its views in the form of recommendations of a non-binding nature within a period of nine months from the date of commencing the procedures provided for in this article. An extraordinary meeting of the Assembly may be convened for this purpose.
4. The notification pursuant to paragraph (1), including the provision of pertinent technical information, and subsequent consultations with the Organization, shall take into account the relevant provisions of the Radio Regulations of the International Telecommunication Union.
5. This article shall not apply to the establishment, acquisition, utilization or continuation of separate space segment facilities for national security purposes, or which were contracted for, established, acquired or utilized prior to the entry into force of this Convention.

## Article 9 Structure

The organs of the Organization shall be:

- a. The Assembly.
- b. The Council.
- c. The Directorate headed by a Director General.

## Article 10 Assembly - composition and meetings

1. The Assembly shall be composed of all the Parties.
2. Regular sessions of the Assembly shall be held once every two years. Extraordinary sessions shall be convened upon the request of one-third of the Parties or upon the request of the Council.

## Article 11 Assembly – procedure

1. Each Party shall have one vote in the Assembly.
2. Decisions on matters of substance shall be taken by a two-thirds majority, and on procedural matters by a simple majority, of the Parties present and voting. Parties which abstain from voting shall

## 第 8 條 其它空間段

- (1)如締約國或在其管轄下的任何人欲單獨或聯合提供或開始使用其它空間段設施來滿足國際海事衛星組織的空間段的任何一種目的或所有目的，應該通知本組織，以保證技術上的相容性及避免對國際海事衛星系統造成重大的經濟危害。
- (2)理事會應以非拘束性的建議方式對技術適用性表達其意見，並應向大會提出有關經濟危害的意見。
- (3)大會應在本條規定的程序開始之日起 9 個月之內，以非拘束性的建議方式表達其意見。為此，可以舉行大會的特別會議。
- (4)依第(1)項的通知，包括提供有關技術資料以及隨後與本組織的協商，應考慮到國際電信聯盟的「無線電規則」中的有關規定。
- (5)本條不適用於為國家安全目的而建立、取得、使用或擴建的其它空間段設施或者在本公約生效前已簽定契約、建立、取得或使用的空間段設施。

## 第 9 條 機構

本組織的機構是：

- (a)大會。
- (b)理事會。
- (c)以總幹事為首的執行局。

## 第 10 條 大會—組成及會議

- (1)大會由全體締約國組成。
- (2)大會的例會應每 2 年舉行一次。特別會議應在 1/3 以上的締約國要求或理事會的要求下召開。

## 第 11 條 大會—程序

- (1)每一締約國在大會上具有一票表決權。
- (2)對實質性問題的決定，應由出席會議並參加表決的締約國的 2/3 多數通過，而程序性問題應由簡單多數通過。

be considered as not voting.

3. Decisions whether a question is procedural or substantive shall be taken by the Chairman. Such decisions may be overruled by a two-thirds majority of the Parties present and voting.
4. A quorum for any meeting of the Assembly shall consist of a majority of the Parties.

## Article 12 Assembly – functions

1. The functions of the Assembly shall be to:
  - (a) Consider and review the activities, purposes, general policy and long-term objectives of the Organization and express views and make recommendations thereon to the Council.
  - (b) Ensure that the activities of the Organization are consistent with this Convention and with the purposes and principles of the United Nations Charter, as well as with any other treaty by which the Organization becomes bound in accordance with its decision.
  - (c) Authorize, on the recommendation of the Council, the establishment of additional space segment facilities the special or primary purpose of which is to provide radiodetermination, distress or safety services. However, the space segment facilities established to provide maritime and aeronautical public correspondence services can be used for telecommunications for distress, safety and radiodetermination purposes without such authorization.
  - (d) Decide on other recommendations of the Council and express views on reports of the Council.
  - (e) Elect four representatives on the Council in accordance with article 13(1)(b).
  - (f) Decide upon questions concerning formal relationships between the Organization and States, whether Parties or not, and international organizations.
  - (g) Decide upon any amendment to this Convention pursuant to article 34 or to the Operating Agreement pursuant to article XVIII thereof.
  - (h) Consider and decide whether membership be terminated in accordance with article 30.
  - (i) Exercise any other functions conferred upon it in any other article of this Convention or the Operating Agreement.
2. In performing its functions the Assembly shall take into account any relevant recommendations of the Council.

## Article 13 Council – composition

1. The Council shall consist of twenty-two representatives of Signatories as follows:
  - (a) Eighteen representatives of those Signatories, or groups of Signatories not otherwise represented, which have agreed to be represented as a group, which have the largest investment shares

過。表決時棄權的締約國應視為未參加表決。

- (3) 屬於實質性問題還是屬於程序性問題，應由主席決定。這種決定可以由參加會議並參加表決的締約國 2/3 多數否決。
- (4) 大會任何一次會議的法定人數，應由締約國的多數組成。

## 第 12 條 大會－職能

- (1) 大會的職能是：
  - (a) 審議及審查本組織的活動、宗旨、總政策及長遠目標，並就此對理事會提出意見及建議。
  - (b) 確保本組織的活動符合本公約及聯合國憲章的宗旨及原則，以及依本組織決定對本組織有拘束力的其它條約。
  - (c) 依理事會的建議，批准建立專門及主要提供無線電定位、遇險及安全業務的附加空間段設施。但為提供海上公眾通信業務而建立的空間段設施也可不經此種批准而用於遇險，安全及無線電定位業務。
  - (d) 對理事會的其他建議做出決定，並對理事會的報告提出意見。
  - (e) 依據第 13 條(1)項(b)款選舉 4 名理事。
  - (f) 對有關本組織同各國(不管是不是締約國)及國際組織間的正式關係問題作出決定。
  - (g) 就依據本公約第 34 條對公約或依據「業務協定」第 18 條對「業務協定」提出的修訂作出決定。
  - (h) 依據第 30 條審議及決定終止成員資格。
  - (i) 行使本公約或「業務協定」的任何條款中所賦予的其它職能。
- (2) 大會在履行其職能時，應考慮到理事會的有關建議。

## 第 13 條 理事會－組成

- (1) 理事會由下列 22 個簽字國的代表組成。
  - (a) 18 個在本組織內具有最高投資股份的簽字國或簽字國集團的代表，簽字國集團由不能單獨出代表