

國際移動(海事)衛星組織公約

1976年公約：1976年9月3日通過，1979年7月16日生效

綜合文本(1976~2008)

(含已生效的1985、1989、1998年修正)

(含暫時生效的2008年修正)

(不含未生效的1994、2006年修正)

Convention on the International Maritime (Mobile) Satellite Organization

1976 Convention: Adopted on 3 September 1976; Entered into Force on 16 July 1979

Consolidated Text 1976~2008

(Included effected Amendments of 1985, 1989, 1998)

(Included Provisional Application of 2008 Amendments)

(not included unaffected Amendments of 1994、2006)

IMSO C 綜合文本(1976~2008)

IMSO C 1976:

	1976 公約	1985 年 修正	1989 年 修正	1994 年 修正	1998 年 修正	2006 年 修正	2008 年 修正
生效門檻：	95% 初始投資持分 + 60 日	2/3 締約國 + 120 日	2/3 締約國 + 120 日	2/3 締約國 + 120 日	2/3 締約國 + 120 日	2/3 締約國 + 120 日	2/3 締約國 + 120 日
生效日期：	1979.07.16	1989.10.13	1997.6.26	尚未生效	2001.7.31	尚未生效	2008.10.6
締約國數 (2019.3)：	104			40	64	0	23

簡介：1960年初全球第一顆通訊衛星被安置後，IMO意識到衛星通訊將是協助海上遇險最快之通訊方式。經過多年研擬，IMO於1973年決定以當時衛星科技設立一全新的海事通訊系統。1976年通過國際海事衛星組織公約(簡稱IMSO C)及相關作業協議(INMARSAT Operating Agreement 簡稱INMARSAT OA)。1982年依業務協議投資二億美元建置INMARSAT系統，INMARSAT為目前海上人命安全公約所唯一承認接受之GMDSS系統。IMSO C 1976公約由35條文及一爭端解決方式之附件所組成，於1979年生效。本公約迄今有多次修正，包括1985年修正(1989年生效，主要針對有關對飛航器之服務事項)、1985年修正(1989年生效，主要針對有關對飛航器之服務事項為修正)、1989年修正(1997年生效，主要針對有關對陸上航具之服務事項為修正)、1994年修正(尚未生效，主要是更名為「Convention on the International Mobile Satellite Organization 國際移動衛星組織」簡稱為IMSOC)、1998年修正(2001年生效，主要將國際移動衛星組織之架構及任務功能等為重新調整)、2006年修正(2007年生效，主要針對在提高IMSO與各國移動衛星提供者間之關係)、以及2008年修正(2008年暫時生效，主要修正目的在配合IMO的GMDSS，強化遠距辨識及追蹤系統(Long Range Identification and Tracking of Ships (LRIT))的作用)。

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IMSO C 綜合文本(1976~2008)

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 nondiscriminatory basis,

CONSIDERING ALSO 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,

DETERMINED, to this end, to continue to make provision for the benefit of telecommunications users 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,

BEARING IN MIND that the International Maritime Satellite Organization (INMARSAT) has, in accordance with its original purpose, established a global mobile satellite communications system for maritime communications, including distress and safety communications capabilities which are specified in the International Convention for the Safety of Life at Sea, 1974, as amended from time to time, and the Radio Regulations specified in the Constitution and the Convention of the International Telecommunication Union, as amended from time to time, as meeting certain radiocommunications requirements of the Global Maritime Distress and Safety System (GMDSS)

RECALLING that INMARSAT has extended its original purpose by providing aeronautical and land mobile satellite communications, including aeronautical satellite communications for air traffic management and aircraft operational control (aeronautical safety services), and is also providing radiodetermination services,

RECALLING FURTHER that in December 1994 the Assembly decided to replace the name "International Maritime Satellite Organization (INMARSAT)" with "International Mobile Satellite Organization (Inmarsat)", and that, although these amendments did not enter formally into force, the name International Mobile Satellite Organization (Inmarsat) was used thereafter, including in the

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，

決定為達到此目的，通過現有最先進的適當空間技術，為所有國家電信使用者的利益，依照最有效及最公平地利用無線電頻譜及衛星軌道的原則，繼續盡可能地提供最有效、最經濟的設施，

認識到國際移動衛星依據依據其最初宗旨，已經為海上通信提供全球移動衛星通信系統，包括經不斷修正的 1974 年國際海上人命安全公約及經不斷修正的國際電信聯盟章程與公約中無線電規則規定的遇險及人命安全通信能力，以滿足全球海上遇險及安全系統(GMDSS)的無線電通信需求，

回顧本組織已將其最初的宗旨擴展至提供航空及陸地移動衛星通信，包括用於空中交通管理及飛機操作控制(航空安全服務)的航空衛星通信，並提供無線電定位服務，

進一步回顧大會於 1994 年 12 月決定以『國際移動衛星組織(inmarsat)』之名取代『國際海事衛星組織(INMARSAT)』，雖然該修正並未正式生效，但之後已一直持續使用國際移動衛星組織之名，包括其組織文件，

restructuring documentation,

RECOGNIZING that, in the restructuring of the International Mobile Satellite Organization, its assets, commercial operations and interests were transferred without restriction to a new commercial company, Inmarsat Ltd., while the continued provision of the GMDSS and adherence to the other public interests by the company have been secured by a mechanism for intergovernmental oversight by the International Mobile Satellite Organization (IMSO),

ACKNOWLEDGING that, by adopting IMO Assembly Resolution A.888(21), "Criteria for the Provision of Mobile-Satellite Communication Systems in the Global Maritime Distress and Safety System (GMDSS)," the International Maritime Organization (IMO) has recognized the need for IMO to have in place criteria against which to evaluate the capabilities and performance of mobile satellite communication systems, as may be notified to IMO by Governments for possible recognition for use in the GMDSS,

ACKNOWLEDGING FURTHER that IMO has developed a "Procedure for the Evaluation and Possible Recognition of Mobile-Satellite Systems Notified for Use in the GMDSS",

ACKNOWLEDGING ALSO the desire of Parties to promote the growth of a pro-competitive market environment in the current and future provision of mobile satellite communications systems services for the GMDSS,

AFFIRMING that, under such circumstances, there is a need to ensure continuity in the provision of the GMDSS through intergovernmental oversight,

ACKNOWLEDGING that IMO, through the Maritime Safety Committee (MSC) at its eighty-first session, adopted amendments to Chapter V of the International Convention for the Safety of Life at Sea, 1974 relating to the long-range identification and tracking of ships (LRIT), adopted performance standards and functional requirements for LRIT, and adopted arrangements for the timely establishment of the LRIT system,

AFFIRMING the willingness of Parties that IMSO may assume the functions and duties of the LRIT Co-ordinator, at no cost to Parties, in accordance with decisions of IMO, subject to the terms of this Convention,

ACKNOWLEDGING that the MSC, at its eighty-second session, decided to appoint IMSO as the LRIT Co-ordinator and invited IMSO to take whatever action it could in order to ensure the timely implementation of the LRIT system,

AGREE AS FOLLOWS:

ARTICLE 1 DEFINITIONS

For the purposes of this Convention:

- (a) "The Organization" means the intergovernmental organization established pursuant to Article 2.
- (b) "GMDSS" means the Global Maritime Distress and Safety System as established by IMO.
- (c) "Provider" means any entity or entities, which, through a mobile

承認到，於國際移動衛星組織的組織過程中，其資產、商業運作及權益已概括移轉給一全新的商業公司：Inmarsat公司，該公約在國際移動衛星組織(IMSO)之政府間組織的監督機制確保下，繼續提供全球海上遇險及安全系統(GMDSS)及所附帶的其他大眾利益之服務，

體認到 國際海事組織所通過之第A.888(21)號大會決議『全球海上遇險及安全系統(GMDSS)中國際移動衛星通訊系統之提供標準』，因各國政府為全球海上遇險及安全系統(GMDSS)的可能使用而通知國際海事組織，國際海事組織業已承認其必需在移動衛星通訊系統之容量及實施之配置為標準之制訂，

進一步承認 國際海事組織業已發展出『經通知之移動衛星系統使用於全球海上遇險及安全系統(GMDSS)的評估及可能承認之程序』，

亦承認 到各締約國為促進移動衛星系統提供全球海上遇險及安全系統(GMDSS)服務之目前及未來專業競爭市場環境之成長，

確認 於該情況下，仍持續需要政府間的監督以確保全球海上遇險及安全系統(GMDSS)服務之提供，

承認 國際海事組織透過其海上安全委員會之第 81 次會議通過 1974 年海上人命安全公約第 V 章有關船舶遠距識別及追蹤(LRIT)之修正案，通過 LRIT 之實施標準及功能要求，並通過應及時設立 LRIT 系統之安排，

確認 國際移動衛星組織在依據本公約規定及國際海事組織決定且各締約國無須負擔任何費用的情況下，意欲承擔 LRIT 協調者功能及權責，

承認 海上安全委員會於其第 82 次會議決定指定國際移動衛星組織作為 LRIT 協調者並邀請國際移動衛星組織能採取所有可能措施以確使 LRIT 系統能及時實施，

同意 下列條款：

第 1 條定義

就本公約而言：

- (a) "本組織"係指依據第 2 條建立的政府間組織。
- (b) "GMDSS"係指由國際海事組織建立的全球海上遇險及安全系統。
- (c) "供應商"係指透過國際海事組織所

satellite communications system recognized by IMO, provides services for the GMDSS.

- (d) "Party" means a State for which this Convention has entered into force.
- (e) "Public Services Agreement" means an Agreement executed by the Organization and a Provider, as referred to in Article 5(1).
- (f) "IMO" means the International Maritime Organization.
- (g) "MSC" means the Maritime Safety Committee of IMO.
- (h) "LRIT" means the long-range identification and tracking of ships as established by IMO.
- (i) "LRIT Services Agreement" means an Agreement executed by the Organization and either an LRIT Data Centre or an LRIT Data Exchange, or other relevant entities, as referred to in Article 7.
- (j) "LRIT Data Centre" means a national, regional, co-operative or international data centre operating in conformity with requirements adopted by IMO in relation to LRIT.
- (k) "LRIT Data Exchange" means a data exchange operating in conformity with requirements adopted by IMO in relation to LRIT.
- (l) "LRIT Co-ordinator" means the Co-ordinator for the LRIT system appointed by the MSC.

承認的移動衛星通訊系統提供全球海上遇險及安全系統服務的任何法人實體。

- (d) "締約國"係指本公約已對其生效的國家。
- (e) "公共服務協定"係指第 5 條(1)項提及的本公司及本組織間達成的協議。
- (f) "IMO"係指國際海事組織。
- (g) "MSC"係指國際海事組織之海上安全委員會。
- (h) "LRIT"係指國際海事組織所設立之船舶遠距識別及追蹤系統。
- (i) "LRIT 服務協定"係指第 7 條所述，由本組織以及與某 LRIT 資訊中心或某 LRIT 資訊交換或其他相關法人實體所執行之協議。
- (j) "LRIT 資訊中心"係指依據國際海事組織所認可有關 LRIT 之要求所運作之某國家、區域型、合作型或國際資料中心。
- (k) "LRIT 資訊交換"係指依據國際海事組織所認可有關 LRIT 之要求所運作之資料中心。
- (l) "LRIT 協調人"係指海上安全委員會所指定 LRIT 系統之協調人。

ARTICLE 2 ESTABLISHMENT OF THE ORGANIZATION

The International Mobile Satellite Organization (IMSO), herein referred to as "the Organization", is hereby established.

第 2 條 本組織的建立

茲建立國際移動衛星組織，以下稱“本組織”。

ARTICLE 3 PRIMARY PURPOSE

- (1) The Primary Purpose of the Organization is to ensure the provision, by each Provider, of maritime mobile satellite communications services for the GMDSS according to the legal framework set up by IMO.
- (2) In implementing the Primary Purpose set out in paragraph (1), the Organization shall:
 - (a) act exclusively for peaceful purposes; and
 - (b) perform the oversight functions in a fair and consistent manner among Providers.

第 3 條 宗旨

- (1) 本組織的主要宗旨係透過所有供應商，以確保海事移動衛星通訊服務能依照國際海事組織所建置的法律制度提供服務予全球海上遇險及安全系統(GMDSS)。
- (2) 於實施第 1 項所規定之主要宗旨時，本組織應：
 - (a) 僅為和平目的服務；且
 - (b) 於各供應商間以公平及一致性方式執行監督功能。

ARTICLE 4 OTHER FUNCTIONS

- (1) Subject to the decision of the Assembly, the Organization may assume functions and/or duties of LRIT Co-ordinator, at no cost to Parties, in accordance with the decisions of IMO.

第 4 條 其他功能

- (1) 於適用大會的決定下，本組織可依照國際海事組織之認定，具有 LRIT 協調人的功能及權責，各締約國無須承

(2)The Organization shall continue to perform the functions and/or duties of LRIT Coordinator, subject to the decision of the Assembly. In performing such functions and/or duties, the Organization shall act in a fair and consistent manner.

ARTICLE 5 OVERSIGHT OF THE GMDSS

- (1)The Organization shall execute a Public Services Agreement with each Provider, and shall conclude such other arrangements as may be necessary to enable the Organization to perform its oversight functions, and to report as well as make recommendations, as appropriate.
- (2)Oversight of Providers by the Organization shall be based on:
- (a)any specific conditions or obligations imposed by the IMO during, or at any stage after, the recognition and authorization of the Provider;
 - (b)relevant international regulations, standards, recommendations, resolutions and procedures relating to the GMDSS;
 - (c)the relevant Public Services Agreement and any other related arrangements concluded between the Organization and the Provider.
- (3)Each Public Services Agreement shall include, inter alia, general provisions, common principles and appropriate obligations for the Provider in accordance with a Reference Public Services Agreement and guidelines developed by the Assembly, including arrangements for the provision of all the information necessary for the Organization to fulfil its purpose, functions and duties, consistent with Article 3.
- (4)All Providers shall execute Public Services Agreements which shall also be executed by the Director General on behalf of the Organization. Public Services Agreements shall be approved by the Assembly. The Director General shall circulate the Public Services Agreements to all Parties. Such Agreements shall be considered approved by the Assembly unless more than one-third of the Parties submit written objections to the Director General within three months from the date of circulation.

ARTICLE 6 FACILITATION

- (1)Parties shall take appropriate measures, in accordance with national laws, to enable Providers to provide GMDSS services.
- (2)The Organization, through existing international and national mechanisms dealing with technical assistance, should seek to assist Providers in their effort to ensure that all areas, where there is a need, are provided with mobile satellite communications services, giving due consideration to the rural and remote areas.

ARTICLE 7 LRIT SERVICES AGREEMENTS

擔任何費用。

(2)於適用大會的決定下，本組織應持續執行 LRIT 協調人之功能及權責。於執行該功能及權責時，本組織應以功能及一致性方式為作為。

第 5 條 GMDSS 的監督

- (1)本組織應與每一供應商簽訂一公共服務協定，且應包括能使本組織執行其監督、通報及適當建議等功能之其他安排。
- (2)本組織對供應商之監督應基於：
- (a)於承認或授權該供應商之人或之後任何時候，國際海事組織所課以之任何特定條件或責任；
 - (b)有關全球海上遇險及安全系統(GMDSS)之相關國際規範、標準、建議、決議及程序；
 - (c)本組織與該供應商間所締結之相關公共服務協定及任何其他相關安排。
- (3)任一公共服務協定應規定一般條款、共通原則，以及依據大會針對供應商所開發之公共服務協定指引所規定之義務，包括本組織為執行符合第 3 條所定目的、功能及權責所需所有資訊提供之安排。
- (4)所有供應商應遵守公共服務協定，代表本組織之董事會亦應同為遵守。公共服務協定應經大會認可。董事會應將公共服務協定通知週告所有締約國。除通告發出三個月內有超過三分之一締約國對董事會提出書面反對外，該協議應被認定業經大會認可。

第 6 條 便利措施

- (1)所有締約國應採取適當措施，依據各國法律使各供應商能提供全球海上遇險及安全系統(GMDSS)服務。
- (2)本組織應透過現有技術協助之國際及各國機制，以謀求協助供應商能儘量地確保所有地區均能獲得移動通訊服務之服務，特別是應考量偏遠地區。

第 7 條 LRIT 服務協定