

A G R E E M E N T

on the establishment of the "INTERSPUTNIK" International System and Organization of Space Communications

The Contracting Parties,

recognizing the need to contribute to the strengthening and development of comprehensive economic, scientific, technical, cultural and other relations by communications as well as by radio and television broadcasting via satellites;

recognizing the utility of cooperation in theoretical and experimental research as well as in designing, establishing, operating and developing an international communications system via satellites;

in the interests of the development of international co-operation based on respect for the sovereignty and independence of states, equality and non-interference in the internal affairs as well as mutual assistance and mutual benefit;

in pursuance of the provisions of Resolution 1721 (XVI) of the United Nations General Assembly and the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and other Celestial Bodies, of January 27, 1967;

have agreed on the following:

ARTICLE 1

1. There shall be established an international system of communications via satellites.
2. To ensure cooperation and coordination of efforts in the design, establishment, operation and development of the communications system the Contracting Parties set up the "INTERSPUTNIK" international organization, hereinafter referred to as the Organization.

ARTICLE 2

1. "INTERSPUTNIK" is an open international organization.

2. The Members of the Organization shall be the governments that have signed this Agreement and have deposited their instruments of ratification in accordance with Article 20 as well as the governments of other states that have acceded to this Agreement pursuant to Article 22.

ARTICLE 3

The seat of the Organization shall be in Moscow.

ARTICLE 4

1. The international system of communications via satellites shall include as its components:
 - a space segment comprising communications satellites with transponders, satellite-borne facilities and ground systems of control to ensure the normal functioning of the satellites;
 - earth stations mutually communicating via satellites.
2. The space segment shall be the property of the Organization or is leased from Members possessing such systems.
3. The earth stations shall be the property of states or recognized operating agencies.
4. The Members of the Organization shall have the right to include the earth stations which they have built into the communications system of the Organization provided these stations meet the Organization's specifications.

ARTICLE 5

The international communications system shall be established by the following stages:

- The stage of experimental work done by Members at their earth stations with the use of satellite communications channels made available to the Organization free of charge by the Union of Soviet Socialist Republics on its communications satellites. This stage shall cover the period until the end of 1973.
- The stage of work, involving the use of communications channels on Members' communications satellites on the basis of lease.

- The stage of commercial operation of the communications system with the use of the space segment owned by the Organization or rented from its Members. Transition to this stage will be effected when the establishment of the space segment owned by the Organization or its lease are considered economically advisable by the Contracting Parties.

ARTICLE 6

Communication satellites owned by the Organization shall be launched, put into orbit and operated in orbit by Members which possess appropriate facilities for this purpose on the basis of agreement between the Organization and such Members.

ARTICLE 7

The Organization shall coordinate its activities with the International Telecommunication Union and cooperate with other organizations concerned with the use of communications satellites both in technology (the use of the frequency spectrum, the applications of technical standards for communications channels and of equipment standards) and in international regulation.

ARTICLE 8

The Organization shall be a legal entity and shall be entitled to conclude contracts, acquire, lease and alienate property and to institute proceedings.

ARTICLE 9

1. It shall enjoy in the territory of the states whose governments are Members of the Organization the legal capacity necessary for the attainment of its goals and the performance of its functions. The scope of this legal capacity shall be determined by appropriate agreements with the competent authorities of the states in whose territory it carries out its activities.
2. The legislation of the states in whose territory the Organization carries out its activities shall apply to all matters not covered by the present Agreement or by agreements referred to in paragraph 1 of this Article.

ARTICLE 10

1. The Organization shall be liable with respect to its obligations within the limits of the property which it owns.
2. The Organization shall not be liable with respect to the obligations of the Contracting Parties, nor the Contracting Parties shall be liable with respect to the obligations of the Organization.

ARTICLE 11

1. The following bodies shall be established to govern the activities of the Organization:
 - the Board - a governing body;
 - the Directorate - a permanent executive and administrative body - headed by the Director-General.

The time for the establishment of the Directorate and the beginning of its activities shall be determined by the Board.

2. Prior to the beginning of the Directorate's activities the functions of the Director General in representing the Organization set forth in paragraph 2 of Article 13 shall be performed by the Chairman of the Board.
3. The Auditing Commission shall be established to supervise the financial activities of the Organization.
4. The Board may also set up auxiliary bodies required for the attainment of the goals of this Agreement.

ARTICLE 12

1. The Board shall be composed of one representative from each Member of the Organization.
2. Each Member of the Organization shall have one vote in the Board.

3. The Board shall hold its regular sessions at least once a year. An extraordinary session may be held at the request of any Member of the Organization or the Director General if no less than one third of the Members of the Organization favour its convocation.

4. The sessions of the Board shall be held, as a rule, at the seat of the Organization. The Board may decide to hold sessions in the territories of other states whose governments are Members of the Organization at the invitation of these Members.

Prior to the beginning of the Directorate's activities the Board shall meet in succession in the states whose governments are Members of the Organization in the alphabetic order of their names in the Russian language. In this case the costs of holding such sessions are borne by the host Members of the Organization.

5. Chairmanship at the sessions of the Board shall be rotated among the Members of the Organization in the alphabetic order of their names in the Russian language. The representative of the Member next in the alphabet shall be deputy chairman. The chairman and his deputy shall remain in office until the next regular session of the Board.

6. The Board shall be competent to deal with matters covered by this Agreement. The Board shall:

6.1. examine and approve measures for establishing, acquiring or leasing and operating the space segment;

6.2. approve plans for the development and improvement of the Organization's communications system;

6.3. determine specifications for the Organization's communications satellites;

6.4. examine and approve the programme of putting into orbit the Organization's communications satellites;

6.5. approve the plan for the distribution of the communications channels among the Members of the Organization as well as the procedure and conditions for the utilization of the communications channels by other users;

6.6. determine specifications for the earth stations;

6.7. determine whether the earth stations offered for inclusion into the communications system of the Organization meet the specifications;

6.8. elect the Director General and his deputy and supervise the activities of the Directorate;

- 6.9. elect the chairman and members of the Auditing Commission and approve the procedure for the work of the Commission;
 - 6.10. approve the structure and staff of the Directorate as well as the Directorate's Staff Regulations;
 - 6.11. approve the plan of the activities of the Organization for the coming calendar year;
 - 6.12. examine and approve the budget of the Organization and the report on its execution as well as the Organization's balance sheet and distribution of profit;
 - 6.13. examine and approve annual reports of the Director General on the activities of the Directorate;
 - 6.14. approve the report of the Auditing Commission;
 - 6.15. take note of the official statements of the governments wishing to accede to the Agreement;
 - 6.16. determine the procedure and the dates for the payment of proportional contributions as well as readjust the contribution shares in accordance with paragraph 5 of Article 15;
 - 6.17. set the rates for transmitting a unit of information or the lease cost of the Organization's satellites communications channel;
 - 6.18. consider proposals for amendments to this Agreement and submit them to the Contracting Parties for approval as provided for in Article 24;
 - 6.19. adopt its own rules of procedure;
 - 6.20. examine and decide on other matters arising from this Agreement.
7. The Board should seek unanimity in adopting its decisions. If this is not achieved, the decisions of the Board shall be considered adopted if no less than two thirds of all Members of the Board vote for them. The decisions of the Board will not be binding on those members who did not favour their adoption and submitted their reservations in writing; however, such Members may later associate themselves with the decisions.
 8. In performing its functions set forth in paragraph 6 of this Article the Board shall act within the resources determined by the Contracting Parties.
 9. The first session of the Board shall be convened by the government of the state where the seat of the Organization is situated not later than three months after the entry into force of this Agreement.

ARTICLE 13

1. The Directorate shall consist of the Director General, his deputy and the required staff.
2. The Director General who acts on the principles of undivided authority shall be the chief executive of the Organization and in this capacity shall represent it in relations with the competent authorities of the Members of the Organization in all matters relating to its activities, as well as in relations with states whose governments are not Members of the Organization and with international organizations with which the Board finds it necessary to cooperate.
3. The Director General shall be responsible to the Board and shall act within the scope of the authority conferred on him by this Agreement and the decisions of the Board.
4. The Director General shall perform the following functions:
 - 4.1. ensures the implementation of the Board's decisions;
 - 4.2. negotiates with the communications authorities, design agencies and industrial enterprises of the Members of the Organization on the questions of designing the entire system and of designing, manufacturing and delivering the satellite-borne equipment elements and units for the Organization's communications satellites;
 - 4.3. negotiates on the questions of launching communications satellites for the Organization;
 - 4.4. concludes on behalf of the Board and within the authority determined by the Board international and other agreements;
 - 4.5. draws up the budget estimates for the forthcoming fiscal year, submits them to the Board for approval and reports to the Board on the execution of the budget for the past financial year;
 - 4.6. prepares for submission to the Board the report on the Directorate's activities for the past year;
 - 4.7. draws up plans for the Organization's activities as well as for the development and improvement of the communications system and submits them to the Board for approval;
 - 4.8. ensures the preparation, convocation and holding of the sessions of the Board.

5. The Director General and his deputy shall be elected from among the nationals of the states whose governments are Members of the Organization for a period of four years. The Deputy Director General may be elected, as a rule, for one term only. The Director General and his deputy shall not be citizens of the same state.
6. The staff of the Directorate shall be composed of nationals of the states whose governments are Members of the Organization with due regard for their professional qualifications and the equitable geographical representation.

ARTICLE 14

1. The Auditing Commission shall consist of three members elected for a period of three years from among the nationals of different states whose governments are Members of the Organization. The chairman and a member of the Auditing Commission shall not hold any office in the Organization.
2. The Director General shall make available to the Auditing Commission all material and documents required for auditing.
3. The report of the Auditing Commission shall be submitted to the Board of the Organization.

ARTICLE 15

1. A statutory fund (fixed and current assets) shall be established to finance the activities of the Organization. The decision on the establishment and the size of the statutory fund shall be taken by the Contracting Parties on the basis of the recommendation of the Board and shall be formalized by a special protocol. The amount of the proportional contributions of the Members of the Organization to the statutory fund shall be fixed in proportion to the extent to which they use the communications channels.
2. If in the process of the improvement of the communications system a necessity to increase the statutory fund is revealed, the sum of additional contributions shall be apportioned among the Members of the Organization who have given their consent to such an increase.
3. The contributions of the Members of the Organization to the statutory fund shall be used to meet the following expenses of the Organization:

- 3.1. for research, design and experimental work relating to space segment and the earth stations;
 - 3.2. for design, construction, acquisition or lease of the space segment;
 - 3.3. for launching and putting into orbit communications satellites of the Organization;
 - 3.4. for other purposes in connection with the activities of the Organization.
4. Prior to the establishment of the statutory fund the Organization shall conduct its activities on the basis of a special budget drawn up for each calendar year. The expenses envisaged in the budget for the maintenance of the staff of the Directorate, the holding of the Board's sessions and other administrative activities shall be met by the Members of the Organization in proportions fixed by the Contracting Parties on the recommendation of the Board and formalized by a special protocol.
 5. Upon the admission of new Members to the Organization or in the case of the withdrawal from the Organization, the share of contributions of each remaining Member shall be changed accordingly.
 6. The currency in which contributions are paid to the statutory fund and the Organization budget shall be determined by the Contracting Parties on the recommendation of the Board.
 7. The Organization shall charge 3 per cent annually for sums which Members have failed to pay by the date fixed.
 8. If a Member of the Organization fails to meet its financial obligations within one year the Board will decide on a partial or complete suspension of its rights arising from membership in the Organization.
 9. The profits derived from the operation of the communications system shall be shared by the Members of the Organization in proportion to the amount of their contributions. The Members may decide to use the profits to increase the statutory fund or to set up some special funds.
 10. The expenses for the maintenance of participants in conferences and meetings convened in connection with the implementation of the goals of the Organization, including the sessions of the Board, shall be met by the Contracting Parties represented on such conferences and meetings.

ARTICLE 16

1. The Organization shall operate the space segment making communications channels available to its Members and other users in accordance with the provisions of this Agreement.
2. The communications channels at the disposal of the Organization shall be distributed among the Members of the Organization on the basis of their needs for channels. Communications channels which are in excess of aggregate requirements of all Members of the Organization may be leased to other users.
3. Payment for the communications channels made available shall be charged according to rates established by the Board. The rates shall be fixed at the average world level calculated in gold francs.

The payment for communications services shall be made in a manner determined by the Board.

ARTICLE 17

1. Any of the Contracting Parties may denounce this Agreement by notice in writing to that effect given to the Depositary Government.

The denunciation of the Agreement by such Contracting Party takes effect upon the termination of the financial year during which a period of one year expires from the date of notification of the Depositary Government of the denunciation. Such Contracting Party shall pay within the period fixed by the Board the sum of contributions due for the financial year in which the denunciation becomes effective and shall also carry out all other financial obligations assumed.

2. The amount of the monetary compensation due to the Contracting Party which has denounced the Agreement shall be determined by the Board in accordance with the sum of contributions paid by that Contracting Party to the statutory fund of the Organization with due regard to physical and moral depreciation of the fixed assets. The monetary compensation shall be paid following the approval by the Board of the budget report for the financial year during which the denunciation takes effect.

ARTICLE 18

1. This Agreement may be terminated with the consent of all the Contracting Parties.

The termination of the Agreement amounts to the dissolution of the Organization.

The procedure for the dissolution of the Organization shall be determined by the Board.

2. In the event of the dissolution of the Organization its fixed assets shall be realized and the Members of the Organization shall be paid monetary compensation according to their participation in capital expenditure for the establishment of the communications system with due regard to physical and moral depreciation of the fixed assets. The available current assets, with the exception of the part intended to meet the obligations of the Organization shall be distributed among the Members of the Organization in proportion to the monetary contributions actually paid as of the date when the Organization was dissolved.

ARTICLE 19

The languages of the Organization shall be English, French, Russian, and Spanish.

The extent to which language is used shall be determined by the Board depending on the actual requirements of the Organization.

ARTICLE 20

1. This Agreement is open for signing until the 31st December, 1972 in Moscow.

The Agreement shall be subject to ratification. Instruments of ratification shall be deposited with the Government of the USSR which is designated the Depositary Government of this Agreement.

ARTICLE 21

The Agreement shall enter into force on the deposit of six instruments of ratification.

ARTICLE 22

1. The government of any state which did not sign this Agreement may accede to it. In that case the government shall submit to the Board of the Organization a formal statement to the effect that it shares the goals and principles of the activities of the

Organization and assumes the obligations under this Agreement.

2. Instruments of accession to the Agreement shall be deposited with the Depositary Government.

ARTICLE 23

For governments whose instruments of ratification or accession are deposited subsequent to the entry into force of this Agreement, it shall enter into force on the date of the deposit of the above instruments.

ARTICLE 24

Amendments to this Agreement shall come into force for each Contracting Party accepting the amendments upon their approval by two thirds of the Contracting Parties. An amendment which has come into force shall be binding on the other Contracting Parties after their acceptance of such amendment.

ARTICLE 25

1. The Depositary Government of the Agreement shall inform all Contracting Parties of the date of each signature of the date of deposit of each instrument of ratification and accession, of the date of the entry into force of the Agreement and of all other notices it has received.
2. This Agreement shall be registered by the Depositary Government pursuant to Article 102 of the Charter of the United Nations.

ARTICLE 26

This Agreement, the English, French, Russian and Spanish texts of which are equally authentic, shall be deposited in the archives of the Depositary Government. Duly certified copies of the Agreement shall be transmitted by the Depositary Government to the Contracting Parties.

In witness whereof the undersigned, duly authorized, have signed this Agreement.

Done in Moscow on the 15th of November 1971.