

Small States, Entrepreneurial States and Space

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Abstract

States are inherently equal having the same rights and duties irrespective of their size or power. But the development of space activities and particularly the involvement of private enterprise may produce problems. Some may not have the personnel, the knowledge or the abilities to meet their obligations in relation to space - particularly as to the duties of licensing and supervision prescribed by the Outer Space Treaty, 1967 and similar ITU obligations. Others may seek to establish themselves in the 'space business' by offering tax and other advantages. Private entrepreneurs may incorporate in states where constraints may be minimal. In such a case an important lacuna emerges in the legal regime applicable in outer space.

Should 'willingness and ability to fulfil international obligations' be resuscitated?

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A. Introduction

The Convention on the Rights and Duties of States, Montevideo, 26 December 1933¹ is commonly held to articulate many principles of customary international law. Its Art. 4 states:

'States are juridically equal, enjoy the same rights, and have equal capacity in their exercise. The rights of each one do not depend upon the power which it possesses to assure its exercise, but upon the simple fact of its existence as a person under international law.'

Article VI of the Outer Space Treaty 1967² *inter alia* states:

'States Parties to the Treaty shall bear international responsibility for national activities in outer space, including the moon and other celestial bodies, whether such activities are carried on by governmental agencies or by non-governmental entities, and for assuring that national activities are carried out in conformity with the provisions set forth in the present Treaty. The activities of non-governmental entities in outer space, including the moon and other celestial bodies, shall require authorization and continuing supervision by the appropriate State Party to the Treaty.'

Article 1.2 of the Charter of the United Nations states a purpose of the UN as being:

'To develop friendly relations among nations based on respect for the

principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace.’

There may be a disjunction between these provisions. What is the relationship between the equality of the rights of states and their duties? What can be done when there is an imbalance? In particular what about the rights and duties of states in the realm of Space Law?

B. Small states

Over the years various individuals have tried to set up their own states, and to have them recognised by the community of nations.³ These individual efforts have failed, but thanks to history there are a number of old small states in Europe.⁴ However, following the Second World War the modern concept of ‘self-determination’ has led to the creation or emergence of many small states, some directly out of the former colonies, and some by later separation from the first generation of independence.⁵ Many are economically disadvantaged. Indeed the category of ‘least developed’ countries (LDCs) has expanded from 25 in 1971 to 49 in 2006.⁶

When I was a student almost half a century ago, Iain MacGibbon introduced us to ‘Recognition in International Law’ and the mysteries of the ‘Declaratory’ and ‘Constitutive’ theories. He also went through the various grounds for the grant or withholding of recognition, and told us that test of ‘willingness and ability’ to fulfil international obligations was obsolete. In retrospect that was an interesting assertion.

The ‘willingness and ability’ of a state or government to fulfil international obligations did figure in a number of debates as to the entitlement

of small states either to recognition itself, or as to membership of particular international organisations, including the United Nations itself.⁷ Thus, although the Vatican was a member of Interim Intelsat,⁸ and of the definitive INTELSAT Agreements,⁹ it was not until 1983 that the US accredited an ambassador to the Vatican, thus granting recognition to the Vatican City state. The Vatican had formal existence as a state for Italy and many others since the Lateran Treaty of 1929, but the US reluctance to recognise was based at least in part on doubt whether the Vatican could fulfil the ordinary rights and duties of a state.¹⁰ Other examples of the question being raised in connection with membership of international organisations are chronicled in Whiteman’s *Digest*.¹¹

But the matter is not obsolete. Whatever its application in actual practice, in substance ‘willingness and ability to fulfil international obligations’ re-surfaced in connection with the EU recognition of states which arose from the break-up of Yugoslavia.¹²

Of course, small states have on occasion made significant contributions to the work of organisations and in the development of International Law. The 1967 speech of Ambassador Parvo of Malta and the notion of the common heritage of mankind in relation to what was to become ‘the Area’ under Part XI of the UN Law of the Sea Convention of 1984 is a notable example.¹³ There are others.¹⁴ But sometimes the smaller or less wealthy states have difficulties in properly maintaining the full range of activity.¹⁵ In the realm of Space Law are all the representatives sent to COPUOS as informed as they should be?¹⁶

It has also to be said that, as the Prime Minister of Barbados

commented, the efforts of some small states seem sometimes to be seeking 'gratuitous international assistance' rather than properly exercising the rights and duties of independent states. Such he accurately described as 'impostors'.¹⁷ Of course there is no reason to condemn the efforts of small states and the LDCs to re-shape at least some international institutions in order to improve their participation in the world. I think particularly of the creation of the Development Sector in the ITU. But on the other side of the scale there is the curious interest of certain small Pacific island states in the work of the International Whaling Commission which appears disproportionate to the benefit they might gain from the work of that organisation.¹⁸

A problem for some small states is simply that of finance. Some have done well by fostering business: Singapore is an excellent example. But others have found other sources of income. Many small states generate revenue through the issue of postage stamps eagerly collected by those who find pleasure in philately. Then there are the states which seem to consist largely of post-boxes for companies which are incorporated in them. Elements of the privatised side of INTELSAT and INMARSAT are incorporated in Bermuda. The Cayman Islands and the Channel Islands are well-known as shelters for companies whose actual business consists of activities far beyond their territorial confines, although in these cases the supervision of commercial dealings is considerable. Others seek a larger income through the exercise of the rights of a state to license activities by entrepreneurs. 'Flags of convenience' have caused immense problems down through the years, problems which have been alleviated, but not yet solved, by the 1984 UN

Convention on the Law of the Sea,¹⁹ and by the 1986 UN Convention on Conditions for the Registration of Ships.²⁰

C. 'Entrepreneurial' states'

It is nothing new for states or state organs or departments to engage in commercial enterprise. In the past the doctrine of state immunity caused some problems, and still may. In the UK we have had famous cases including whether the Tass Agency could be sued, or was it protected as being an arm of the Soviet Government.²¹ We have therefore taken steps to prevent the undue use of the doctrine to avoid the enforcement of contracts or penalties.²²

It is the 'flags of convenience' example that particularly worries me.²³ In the arena of space business there is the example of Tongasat.²⁴ I remain convinced that, although the initial notification for registration of some thirty-six geostationary slots was reduced to six, the ITU really should have refused to register more than one, on the ground that a single orbital position was all that the telecommunication needs of Tonga could justify.²⁵ In that connection it may also be noted that there has been some international concern expressed as to the stability of Tonga,²⁶ and that is apart from the various cases in which some of those involved with Tongan system have been embroiled.²⁷ Then there is the news from Niue.

The Republic of Niue is the world's smallest state (www.niueisland.com) and is self-governing but in association with New Zealand.²⁸ It lies at 19 02 S, 169 52 W, east of Fiji, north-east of Tonga, south of Samoa and south-west of the Cook Islands with which it was once associated. Its land area of 260 sq km is about 1.5 times the area of

Washington DC. Its population was estimated for July 2006 as 2,166 by the CIA website, down from some 5200 in 1966 because of immigration to New Zealand. It offers the internet domain suffix .nu.²⁹ It licensed six banks operating in Australia which the Organisation for Economic Cooperation and Development (OECD) was trying to shut down, and the US applied trading sanctions in respect of Niue links to Latin-American tax-haven operations. Accordingly, in seeking other sources of revenue, in 2001 with the aid of US partners Niue was trying to emulate Tongasat, Niue to get 35% of the profit. Unlike Tongasat Niue seems to have had in contemplation launching its own geostationary satellite on US money, with 15% going to consultants, and the remaining 50% to the satellite builders.³⁰ I am not aware of progress in this project, but Niue appears to continue to decline, so the project may have deliquesced.³¹

As regards remote sensing and telecommunications, suffice it to say that many states have launched or procured the launching of their own satellites. That is good. But there may come a time when entrepreneurs may offer to finance services which some states are unable properly to supervise.

Another interesting development compromises the proposals to create private enterprise launch facilities in various places. Some of these are within the US, where, we must assume, suitable supervision will be exercised. Other plans have been announced in respect of Dubai and Singapore, to which the same applies. But somewhere in the archives, muddled by relocation on my retirement, I have notes of other possibilities where entrepreneurs have approached LDCs and similar states with proposals. In these last one attraction for entrepreneurs could be

that the supervision of the 'launching state' might not be as rigorous as it might be elsewhere.³²

So it seems that in various ways some states are seeking to establish themselves as suitable homes for space businesses. Advantages offered may be tax breaks or other concessions. While they can boost their incomes the question must be asked to what extent they are equipped to fulfil the duties and responsibilities properly to license, to scrutinise the applicants, to monitor compliance with licences and generally to fulfil 'due diligence' in all the duties which International Law now lays upon states in relation to space activities. Regrettably there is also the potential for corruption to be considered.

The matter of the corporate 'veil' may also be relevant. The beneficial (or real) ownership of an interest in a company or other entity engaged in space activities may be hidden. Bluntly, entrepreneurs engaged in a space activity may conceal themselves - their identity - behind a sequence of 'shell' companies in order to avoid the supervision which their real home state would/should be obliged to exercise by virtue of Art. VI of the Outer Space Treaty as well as any other liabilities connected thereto.³³ For our purposes the ratio in the *Barcelona Traction* case might therefore be unfortunate,³⁴ although it is useful that the ICJ is not bound by its precedents.³⁵ In such a circumstance other parties to a dispute may well and properly argue that the corporate veil may be lifted, as it may be within various national legal systems when it is considered that the purpose of the veil is the avoidance of legal liabilities. But that is a matter of court action. What can be done short of such to encourage states not to be deceived and less to be a willing participant in such manoeuvres?

One possible response to the problem is the education of the personnel who are or are to be responsible for compliance with the international obligations of the state and the implementation of appropriate domestic legislation. In this the efforts of the ITU must be acknowledged. The Report of the Council on the Activities of the Union 2002-2006 which is going to the Plenipotentiary Conference of the Union being held in Antalya, Turkey 6-24 November 2006, contains much information on relevant ITU programmes and efforts. The Development Sector has run many courses. In relation to those 'least developed countries' a Special Programme has been running since the 1990s in which six to twelve countries are selected for concentrated assistance for two years on a rotating basis.³⁶ More contentiously as to outcomes there was been the World Summit on the Information Society 2003-2005 (WSIS).³⁷ The UN Office for Outer Space Affairs has also been running Workshops with the intention of spreading information about Space Law.³⁸

But all that assumes that states are willing to assign civil servants to the task, and that they have competent trainable persons. That may not always be the case.

Is a solution the contracting out of these functions? The operation of the International Registry for the Aviation Protocol to the Cape Town Convention on Mobile Assets has been contracted out to an Irish company.³⁹ But such a solution is not satisfactory for securing compliance with the international obligations concerned with space. More than the maintenance of records is required.

Another solution with greater potential would be for states which are interested in getting a foothold in the space business through licensing to

combine together to provide a shared service of 'due process' and supervision by trained personnel. Of course the organisation that would be required would not meet the present requirements of the space treaties as it would not be a state. However, nominally one state might provide the 'official' status required, while acting as an agent for such an organisation.⁴⁰ And in the remote future, perhaps such responsibilities duties could be assigned to a world organisation – if we ever get such.

But the language of that last sentence reveals that such cooperation is unlikely. Can we hope to see such cooperation between states? History of conflict and jealousy indicate otherwise. And it would be better not to have such 'cooperation' were it merely a mask for incompetence and corruption.

But were the idea of cooperation to be considered, it might be boosted by the undertaking of the cooperative states to submit their activities to the supervision of another body. As far as some aspects of supervision are concerned, the Radiocommunication and Standardisation Sectors of the ITU might be thought suitable to exercise such a function. Of course that would require modification of the present ITU structure and powers, and seems unlikely under present conditions. Giving the ITU regulatory, dispositive or veto powers where it considers that 'due diligence' standards have not been met seems a remote possibility. But it might be a good development – a stage on the way towards making the ITU a more active agent in the safeguarding of the world public interest in such matters.⁴¹ However, that would operate only for matters within the competence of the ITU. What about other 'activities' which require supervision by a licensing

state? There something like the supervisory role of International Mobile Satellite Organisation (IMSO) in relation to INMARSAT could be used. States could be 'certified' as compliant with best practice. Of course IMSO's own membership is restricted to its members which are states formerly the members of pre-privatisation INMARSAT,⁴² and its personnel is tiny. A new agency for those willing to be supervised would need to be constituted in order to have the expertise to monitor, sufficient independence to reassure, and standing such that its determinations could be enforced. But, short of a supervisory body for space with global competence, these steps could be useful.

What to do about the 'corporate veil'? I think that the corporate veil should be disregarded. We do that in relation to the financial links and routes of organised crime and in relation to terrorism. I see no reason why the 'veil' should not also be disregarded where entrepreneurs are in fact seeking to avoid the supervision which their 'home state' might well exercise, and to find a less rigorous 'home' for the licensing and supervision of their activities. What is the difference between such attempts and traditional crime? In space the highest standards should be required in the interests of all.

D. Conclusion

'Conclusion' is probably too confident a word to introduce the end of this paper. Suffice it to say that there are obligations laid on states at International Law in relation to their involvement in space activities. Some mechanisms are needed to ensure that they properly fulfil these obligations. The 'willingness' and the 'ability' of states to fulfil their international

obligations in the space arena require to be tested, monitored and supervised. And mechanisms are needed to require compliance. Failure for whatever reason must be sanctioned. How?

NOTES

¹ Convention on the Rights and Duties of States, Montevideo, 26 December 1933, (1936) 165 LNTS 19; 49 Stat. 3097; UST 881; (1934) 28 AJIL Supp. 75.

² Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space Including the Moon and Other Celestial Bodies, (1968) 610 UNTS 205; (1968) UKTS 10, Cmnd. 3519; 18 UST 2410, TIAS 6347; 6 ILM 386; 61 AJIL 644.

³ See J.L. Erwin, 'Footnotes to History': www.buckyogi.com/footnotes/index.htm for an extensive list with detail of some histories/stories.

⁴ Monaco (1191?: 1861), Vatican (756?: 1929), Liechtenstein (1719?: 1806), Andorra (1278?), San Marino (301?).

⁵ 'Declaration on the Granting of Independence to Colonial Countries and Peoples' UN GAOR 1514 (XIV). Cf. A. Cassese, *Self-determination of Peoples: a legal re-appraisal*, (Cambridge: Cambridge UP, 1995); K. Knop, *Diversity and Self-Determination in International Law* (Cambridge: Cambridge UP, 2002). The Wikipedia article 'Small Island Developing States' lists 51 such small states.

⁶ ITU: Report of the Council on the Activities of the Union, 2002-2006, Plenipotentiary Conference, 2006, Doc. PP-06/20 paras 291/2.

⁷ W.V. O'Brien and U.H. Goebel, 'US Recognition Policy towards the New

Nations' in W.V. O'Brien ed., *The New Nations in International Law and Diplomacy* (London: Stevens, 1965) 98-228 and J.E.S. Fawcett, 'The New States and the United Nations' at 229-52; T.C. Chen, *The International Law of Recognition* (London, Stevens, 1951) 124-30.

⁸ Agreement Establishing Interim Arrangements for a Global Commercial Communications Satellite System, and Relative Special Agreement, 1964, (UK) Cmnd. 2436; (1964) 3 ILM 805-14.

⁹ Agreement relating to the International Telecommunications Satellite Organisation (INTELSAT), 1220 UNTS 1220; 23 UST 3813, TIAS 7532; 1973 UKTS No. 80, Cmnd. 5610; 1973 ATS 6; (1971) 10 ILM 909. Operating Agreement relating to the International Telecommunications Satellite Organisation (INTELSAT), 1220 UNTS 149; 23 UST 4091, TIAS 7532; 1973 UKTS No. 80, Cmnd. 5461; (1971) 10 ILM 946.

¹⁰ S.W. Bettwy and M.K. Sheehan, 'United States Recognition Policy: The State of Vatican City' (1981) 11 *Cal. West I.L.J.* 1-31. Cf. T.J. Reese, 'Diplomatic Relations with Holy See' *America*, March 16, 1985 -: <http://www.americamagazine.org/reese/america/a-wilson.htm>, and 'Three Years Later: U.S. Relations with the Holy See' *America*, Jan. 17, 1987 - <http://www.americamagazine.org/reese/america/a-us-vat.htm>

¹¹ M.M. Whiteman, *Digest of International Law*, (Washington DC: USGPO, 1968) vol. 13, 206ff.

¹² European Community: Declaration on Yugoslavia and on the Guidelines on the Recognition of New States: (1992) 31 ILM 1485.

¹³ UN GAOR 22nd Sess. First Ctee, 1515 Meeting, 1 Nov. 1967: http://www.un.org/Depts/los/convention_agreements/texts/pardo_ga1967.pdf:

Convention on the Law of the Sea, Montego Bay, 1984, 1833 UNTS 3; (1999) UKTS 81, Cm. 4524.

¹⁴ Cf. S. Waltz, 'Universalizing Human Rights: The Role of Small States in the Construction of the Universal Declaration of Human Rights' (2001) 23 *Hum. Rts. Q.* 44-72; A.M. Halvorssen, 'The UN General Assembly's Special Session on Small Island Developing States – Sustainable Development in a Nutshell' (2000) 11 *Colo. J. Int. L. & Policy* 113-26; T.N. Slade, 'The Making of International Law: The Role of Small States' (2003) 17 *Temple Int. & Comp. L.J.* 531-43.

¹⁵ M. Mwagiru, 'Issues, Problems, and Prospects in Managing the Diplomatic Services in Small States; (2006) 30 *Fletcher F. World Aff.* 193-206. Whiteman (above n. 11) at 208 prints two notes by U Thant, (UN Sec. Gen. 1961-71) on the matter. Some 'micro-states' were having to restrict their membership of international organisations because of the burden of the attendant obligations. Small states could be a problem for the UN because of inability to meet all their legal obligations. Cf. J.E.S. Fawcett, 'The New States and the United Nations' in W.V. O'Brien, ed. (n. 7 above) 229-52.

¹⁶ This query should not be construed as being directed only to small states. I understand that the representatives sent by major nations can be ignorant.

¹⁷ Rt. Hon. O. Arthur 'Small States in a Changing World' (2000) 24 *Fletcher F. World Aff.* 3-14.

¹⁸ See the effect of small states within the International Whaling Commission: the Solomon Islands, Nauru, Tuvalu, the Marshall Islands, Kiribati and Palau, voted for the Japan position within the IWC in June 2006, Cf. <http://tvnz.co.nz/view/age/411749/755696>. It seems that Japanese aid to the Pacific Islands is

set to increase to 430m USD over the next three years.

¹⁹ Above, n.13.

²⁰ Final Act of the United Nations Conference on Conditions for Registration of Ships: (1987) 26 ILM 1229; Convention on Conditions for the Registration of Ships, (1987) 26 ILM 1232: www.admiraltylawguide.com/conven/registration1986.html; A/RES/39/213.

²¹ *Krajina v. Tass Agency* [1949] 2 All ER 274 (CA); Cf. for the US, *Yessenin-Volpin v. Novosti Press Agency*, 433 F. Supp. 849 (1978).

²² (UK) State Immunity Act, 1978. This Act arose from such cases as *The Philippine Admiral* [1977] AC 373 and *Trendtex Trading Corporation v Central Bank of Nigeria* [1977] QB 529 and was influenced by the European Convention on State Immunity of May 1972 (Cmd. 5081). It was recently discussed in the House of Lords conjoined appeals *Jones and Mitchell v. Saudia (Kingdom of Saudi Arabia)* [2006] UKHL 26.

²³ F. Lyall, 'Expanding Global Communications Services' Sess. III, *Proceedings of the Workshop on Space Law in the Twenty-first Century*, UNISPACE III Technical Forum, 63-80 at 69-71.

²⁴ D. Riddick, 'Why does Tonga own Outer Space?' 19 *Air and Space Law*, 15-29; JC Thompson, 'Space for Rent: The International Telecommunications [sic] Union, Space Law, and Orbit/Spectrum Leasing', 1996 62 *J. Air Law and Comm.* 279-311 at 280-283 and 300-302. See also R. Freiden, 'Balancing Equity and Efficiency Issues in the Management of Shared Global Radiocommunication Resources', 2003 24 *U. Pa. Int'l. Econ. L.* 289-327 at 307-8.

²⁵ A. Nöll, former ITU Legal Adviser disagrees: See his Commentary in the

UNISPACE Workshop papers (n. 23) at 81-4.

²⁶ www.news.vu/en/news/RegionalNews/49.shtml : anomasimanews.com/AMN_No4.pdf (both 2005).

²⁷ E.g. *In re Rimsat Ltd* 193 BR 499; 196 BR 791; 208 BR 910; 223 BR 345; 224 BR 685; 229 BR 914; Matter of Rimsat Ltd. 98 F 3d 956; *In re Rimsat, Ltd., Debtor, Kauthar SDN BHD et al. v Tongasat et al.* 1999 230 B.R. 362; 212 F. 3d 1039; *Kauthar SDN BHD v. Sternberg* 1995 US Dist. Lexis 7845; (1998) 149 F. 3d 659. Cf. *In the Matter of Loral Skynet Networks Services Inc.*, (2005) 20 FCC Rcd 11856; (2006) 21 FCC Rcd 1434.

²⁸ www.cia.gov/cia/publications/factbook/geos/ne.html

²⁹ www.nunames.nu. Niue also offers web-hosting services:

<http://203.97.34.63/niue11.htm>

³⁰ <http://news.bbc.co.uk/1/hi/business/1658301.stm> ; www.cnn.com/2001/BUSINESS/asia/11/19/niue.satellite/index.html;

www.spaceagepub.com/subscribers/LDarchive/LD20011116.html

³¹ http://203.97.34.63/archives_pacific_stories.htm

³² Guyana may be an example: see from 2002, <http://www.spaceandtech.com/digest/sd2000-22/sd2000-22-004.shtml>, <http://www.spaceandtech.com/digest/sd2000-12/sd2000-12-004.shtml>. And cf. Venezuela 2005 - <http://www.nasaspaceflight.com/content/?cid=4076>; http://www.findarticles.com/p/articles/mi_hb3118/is_200011/ai_n7860925

³³ I have to say that I am unsure whether the licensing requirements of the UK Outer Space Act 1986 would allow the UK authorities to intervene or to punish a failure to obtain a UK licence under such circumstances. See ss. 1-3 and 8-9 of the Act.

³⁴ *Barcelona Traction, Light and Power Co, Limited (New Application: 1962)* (Belgium v. Spain) (1962-1970) (Second Phase) 1970 ICJ 3.

³⁵ Art. 59, Statute of the International Court of Justice.

³⁶ ITU Council Report (n. 6) paras 291-3.

³⁷ *WSIS Outcome Documents* (Geneva: ITU 2005): www.itu.int/wsis/promotional/outcome.pdf

³⁸ E.g. the Workshops held at The Hague, 2002; Daejeon, Korea, 2003; Rio de Janeiro, 2004; Abuja, 2005.

For their Proceedings see <http://www.unoosa.org/oosa/en/SpaceLaw/workshops/index.html>

³⁹ Aviareto, Shannon, Ireland., a joint-venture between SITA SC and the Irish Government: see www.aviareto.aero and www.sita.aero. Convention on International Interests in Mobile Equipment, Cape Town 2001: <http://www.unidroit.org/english/conventions/mobile-equipment/main.htm>; text at <http://www.unidroit.org/english/conventions/mobile-equipment/mobile-equipment.pdf> Cf. R. Goode, 'The Cape Town Convention on International Interests in Mobile Equipment: a Driving Force for International Asset-Based Financing' 2002 *Uniform L. Rev.* 4.

⁴⁰ In the EUTELSAT Assembly as was, a Party might represent others. In the INTELSAT Board of Governors, and the INMARSAT Council, one Board member might represent a number of Signatories.

⁴¹ Cf. F. Lyall, 'The International Telecommunication Union: A World Communications Commission?' 1994 37 *Proc. IISL* 42-7; 'Expanding Global Communications Services' in *Proceedings of the Workshop in Space Law, UNISPACE III*, July 1999. (A.CONF-184/7) 63-80; 'The Role of the World Interest in Space

Telecommunication Activities', (2001) 44 *Proc IISL*.171-180; 'The International Telecommunication Union in the Twenty-First Century', in K-H Bocksteigel ed., *Project 2001, Legal Framework for the Commercial Use of Space*. (Cologne: Carl Heymanns Verlag). 259-281. 'The Role of the ITU', in *An Outlook on Outer Space Law in the Next Thirty Years*, G. Lafferanderie, ed. (Amsterdam: Nijhoff, 1996) 253-68. See also R.S. Jakhu, 'Safeguarding the Concept of Public Service and the Global Public Interest in Telecommunications', (2001) 5 *Sing. J. Int. & Comp. L.* 71.

⁴² The revised INMARSAT Convention: www.imsso.org/public/convclean1.pdf. See also Amendments to the Convention and Operating Agreements on the International Mobile Satellite Organisation 24 Oct 2001, 2001 UKTS 49, Cm. 5274; 02-57, 1998 UST LEXIS 213; Amended Convention of the International Mobile Satellite Organisation (IMSO (INMARSAT)) with Public Service Agreement (1999) XXIV *Annals of Air and Space Law* 477 – 506. In November 2006 the IMSO remit may be widened to allow the organisation to provide supervision of any provider of telecommunications services additional to INMARSAT: See Sec. 6 of F. Lyall, 'The Protection of the Public Interest in the Light of the Commercialisation and Privatisation of the Providers of International Satellite Telecommunications' (2004) 47 *Proc. IISL* 441-51.