

ITSO RESTRICTED

Contribution of the
Director General

IAC-26-17E W/03/26
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EXTENSION OF ITSO'S GOALS AND OBJECTIVES UP TO 2028

I. EXECUTIVE SUMMARY

1. Article IX (b) of the ITSO Agreement requires the Assembly of Parties to give consideration to the general policy and the long-term objectives of ITSO. In October 2024, the Forty-First Assembly of Parties (AP-41) approved the extension of ITSO's Goals and Objectives up to 2026.

2. The Director General believes that the existing Goals and Objectives remain valid and recommends that they be extended for the period up to 2028.

II. THE GOALS AND OBJECTIVES

3. At seven previous Assembly of Parties meetings—AP-32, AP-34, AP-35, AP-36, AP-37, AP-40 and AP-41—the Assembly considered the issue of ITSO's Goals and Objectives and concluded that there was a need to focus on three key areas:

- (i) Maintenance of continuity of the provision of international public telecommunications satellite services;
- (ii) Protection of the Parties' Common Heritage orbital locations and associated frequency assignments; and,
- (iii) Contribution to the promotion of a global information and communications infrastructure.

4. The Director General believes that the existing Goals and Objectives remain valid and should therefore be extended through the year 2028.

Goal 1: Maintain the continuity of the provision of international public telecommunications satellite services.

5. In accordance with Article III of the ITSO Agreement, the primary objective of ITSO is to ensure the continued availability of international public telecommunications satellite services through the Company satellite system. To implement the above objective, ITSO has been tasked, under Article 3 of the Public Services Agreement (PSA), to ensure that the Company provides, on a commercial basis, global connectivity and coverage; serves lifeline connectivity countries; and

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provides non-discriminatory access. In addition, according to the Preamble of the ITSO Agreement, ITSO shall also ensure that these Core Principles are fulfilled on a “continuing basis”, reflecting the long-term expectations of the Parties and underscoring the necessity of sustained oversight irrespective of changes in ownership, corporate structure, or market conditions.

6. Over the past two decades, Intelsat¹ underwent significant financial and structural changes, including multiple leveraged buyouts that resulted in a substantial accumulation of debt. These pressures culminated in Intelsat’s Chapter 11 bankruptcy, a restructuring process that underscored the potential risks that financial instability and excessive leverage can pose to the long-term fulfillment of Public Service Obligations under the PSA. These developments were taken into account by the Assembly of Parties in its deliberations at AP-40 and AP-41, which reaffirmed the need for the continuation of the ITSO Agreement and ITSO’s supervisory role.

7. These developments coincided with profound changes in the satellite communications sector, including consolidation among traditional geostationary (GEO) operators, the emergence and rapid scaling of non-geostationary satellite systems, increased reliance on hybrid and multi-orbit architectures, and intensified competition for spectrum and orbital resources. In parallel, regulatory scrutiny related to spectrum efficiency, orbital congestion, and long-term sustainability has increased, highlighting the importance of international oversight grounded in treaty-based obligations.

8. Within this evolving environment, the acquisition of Intelsat by SES constituted a major structural development. SES has formally assumed all obligations of the Company under the ITSO Agreement and the PSA, including responsibility for compliance with the Core Principles and the continued provision of international public telecommunications satellite services. As a multi-orbit satellite operator, with operational capabilities spanning GEO and Medium Earth Orbit (MEO) systems and investments in non-geostationary architectures, SES is uniquely positioned to deliver resilient, flexible, and scalable connectivity solutions that respond to evolving market and public interest needs.

9. At the same time, the consolidation of assets and capabilities under a single multi-orbit operator heightens the importance of ITSO’s role under Articles IX and X of the ITSO Agreement, which assigns to ITSO the responsibility to supervise the Company’s performance and to report to the Assembly of Parties. Consistent with the provisions under the ITSO Agreement and the PSA as well as with decisions from the Assembly of Parties, the Director General will continue to monitor compliance with the PSA and to take appropriate action to ensure that continuity of service

¹ This document uses different names for the private company to which the commercial operations of the international organization were transferred in 2001. The term “Company,” used in the ITSO Agreement, appears when referring to obligations under that Agreement. “Intelsat” is used when discussing the Public Services Agreement (PSA), which Intelsat originally signed. For periods after SES acquired Intelsat, the term “SES” is used, since SES now fully assumes all PSA obligations.

is preserved notwithstanding market volatility, technological transition, or corporate restructuring. If and when required, the Director General will assist ITSO Parties and SES in interfacing with each other.

Goal 2: Protect the Parties' Common Heritage orbital locations and associated frequency assignments.

10. The Parties' Common Heritage resources are quite unique in their potential to facilitate global coverage and to enable connectivity of all countries directly, instantly, and reliably around the world. Indeed, with the support of INTELSAT member States, INTELSAT had been able to secure necessary access to key locations in the geostationary orbital arc allowing it to fulfill its mission of bringing cost effective public telecommunications services to all nations of the world. During the INTELSAT restructuring process, the rights acquired by INTELSAT to use the spectrum and orbital resources needed for its operation were deemed to be one of the Organization's primary assets. In an increasingly competitive market, the Member States considered it vitally important to protect these Parties' Common Heritage assets, which are ideally suited for the provision of international public telecommunications services.

11. Recent structural changes in the satellite industry, including consolidation and evolving orbital deployment strategies, underscore the importance of maintaining institutional readiness to protect the Parties' Common Heritage resources. In a market environment where operators may, for technical, operational, or commercial reasons, elect to modify, suspend, or discontinue the use of certain orbital locations or associated frequency assignments, it is essential that the safeguards established under the ITSO Agreement remain fully operational while acknowledging the technical innovation that is occurring in space.

12. In this context, Article XII(c)(ii) of the ITSO Agreement provides a critical legal mechanism to ensure that, in the event that the Company, or any future entity using the Common Heritage frequency assignments, waives such assignments, uses them in a manner inconsistent with the Agreement, or is otherwise unable to continue their use, the Notifying Administrations shall authorize their use only by entities that have entered into a Public Services Agreement with ITSO. This provision enables ITSO to ensure continuity of oversight and continued compliance with the Core Principles, irrespective of changes in ownership, corporate structure, or orbital strategy.

13. Consistent with Articles IX, X, and XII of the ITSO Agreement, and in line with the decisions of the Assembly of Parties, the Director General will remain prepared to implement these safeguards as necessary in order to preserve the Parties' Common Heritage orbital locations and associated frequency assignments for the benefit of the ITSO Parties and the provision of international public telecommunications satellite services.

Goal 3: Contribute to the promotion of a global information and communications infrastructure.

14. ITSO provides a unique treaty-based forum through which ITSO Parties can cooperate to promote policies, regulatory frameworks, and best practices that support the development of an open, competitive, and inclusive global satellite communications market. This collaborative role serves as the essential platform for implementing Articles III and V of the ITSO Agreement, which recognize both the importance of continuity of existing services and access to future international public telecommunications satellite services.

15. The evolution of satellite technology toward multi-orbit architectures, combining GEO and non-GEO systems, has significantly expanded the potential of satellite communications to deliver broadband connectivity to underserved and remote regions. These developments directly support the objectives underlying the INTELSAT privatization and the establishment of ITSO, namely to ensure that Member States continue to benefit from technological innovation while safeguarding public-service principles. To this end, ITSO shall continue to participate in the work of the ITU and other international and regional satellite forums to promote global connectivity and coverage through satellite communications.

16. By collaboratively working with the Company to best assure the attainment of its Public Service Obligations, preserving the Parties' Common Heritage resources, facilitating dialogue among ITSO Parties and engaging actively in relevant global forums, ITSO continues to contribute meaningfully to the development of a resilient global information and communications infrastructure.

III. CONCLUSION

17. In a satellite communications environment characterized by consolidation, multi-orbit operational strategies, and increasing competition for spectrum and orbital resources, ITSO's role under Articles III, IX, X, and XII of the ITSO Agreement remains indispensable. The acquisition of Intelsat by SES underscores the continuing need for a robust supervisory framework capable of ensuring continuity of service, compliance with Public Service Obligations, and protection of the Parties' Common Heritage irrespective of changes in ownership or market conditions. Therefore, the three Goals and Objectives mentioned above remain as relevant today as they were before to ensure legal certainty, continuity of oversight, and effective protection of the Parties' collective interests.

18. The Director General believes that the existing Goals and Objectives remain valid and should therefore be extended through the year 2028.