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Contents

LEGAL REGIME OF INTELSAT: A COMPARATIVE ANALYSIS

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ABSTRACT

INTELSAT remains a landmark institution in the evolution of global telecommunications, representing one of the earliest attempts to establish an internationally coordinated satellite communication system. Emerging during the Cold War era, its formation reflected both technological ambition and geopolitical strategy, particularly the United States' drive to secure leadership in space-based communication. This paper examines the legal regime governing INTELSAT through a comparative analytical framework, tracing its historical development, institutional structure, and regulatory foundations under the Communications Satellite Act of 1962 and the subsequent Interim and Definitive Agreements. Relying on doctrinal approach using the library-based research and relevant online sources, the study interrogates INTELSAT's hybrid legal identity as it is operating simultaneously as an intergovernmental treaty-based organization and a commercially-oriented joint venture through its Operating Agreement. The paper further explores core legal principles such as non-discriminatory access, investment-share voting, and the balance between universal service obligations and commercial viability. A comparative review of selected national contexts, including Canada, China, Sweden, the United States, and Nigeria, reveals differing regulatory approaches shaped by domestic liberalisation policies, institutional reforms, and market structures. The findings demonstrate that INTELSAT's legal and governance model significantly influenced later regional satellite systems, while also exposing inherent tensions between democratic representation and usage-based control. The paper concludes that INTELSAT's transition toward privatisation reflects broader transformations in international telecommunications, driven by liberalisation, technological complexity, and intensified competition from fibre-optic systems and private satellite operators.

Keywords:INTELSAT; satellite communications; telecommunications regulation; international organisations; privatisation; comparative analysis.

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1.0 Introduction

What is special about telecommunication? In the area especially, the answer is interconnectivity. The benefit from telecommunications to a large extent depends on the ability to communicate with others in changing circumstances and in response to a need that may not be foreseeable. This is known as the any-to-any requirement. The need for interconnectivity means that communications systems have to be technically compatible with each other and have to be actually interconnected. This results in there being a major emphasis on international standards and harmonization.[2]

With the older analogue technology, the problem of providing satisfactory quality especially for international connections were considerable, and these technical constraints, coupled with a different general approach to essential services, resulted in telecommunications becoming a state monopoly. The advent of digital technology has removed many of the technical constraints and problems in providing satisfactory international services, and has introduced many new possibilities for telecommunications to be provided by multiplicity of different, competing, organizations (Intelsat being one of such organizations) with interconnected and technically compatible systems.[3]

Since the early 1980s, significant changes have occurred in the field of international telecommunications. These changes have taken form in liberal national policies, the establishment of private satellite systems, and the Introduction of tuber optic cables. As a result, competition has been introduced into the telecommunications market. All of these changes have influenced the position of INTELSAT in the marketplace, forcing the Organisation to review its policy.[4]

INTELSAT is the world's largest commercial satellite communications service provider. Its formation was at the initiative of USA under Kennedy's administration. This will be examined in the course of this paper.

In the latest occurrences in the international satellite communications arena, the organizational and business situation of Intelsat has changed drastically. In July 2025, Luxembourg-based satellite operator SES closed an all-cash takeover of

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[2] John Horrocks, Horrocks Technology, contributor in ***Telecommunications Law and Practice*** by Colin D. Long, Sweet & Maxwell, 2nd edition, London 1995 at pg 2.

[3] *ibid*

[4] Wahyuni Hadar, ***Coordination OfA Separate Communications Satellite System Under The Intelsat Agreements: Legal Analysis.*** A Thesis Submitted to the Faculty of Graduate Studies and Research in Partial Fulfillment of the Requirements for the Degree of Master of Laws Institute of Air and Space Law McGill University Montreal, Quebec Canada, 1991, pg. 1.

Intelsat to form a consolidated multi-national satellite communications company with an expanded fleet of about 120 geostationary and medium-Earth orbit satellites and strategic access to low-Earth orbit constellations thus becoming a multi-orbit connectivity powerhouse and able to provide integrated, multi-band services to their governments, businesses and media clients all around the world.[5] Supported by an estimated 2.4 billion euros in synergies and enhanced pipeline in the high-growth areas (near 60 percent of revenue), this merger is a significant change in the model used by Intelsat previously, which was more of an intergovernmental governance structure to a fully commercialised and privately owned and operated global market structure.[6] Also, Intelsat has sought strategic collaborations and technology investments to develop resilience and add value to services through next-generation multi-orbit terminals (as part of co-development with the Taiwan Industrial Technology Research Institute (ITRI)).[7] At the same time, the Intelsat service footprint is ever expanding globally with regulatory permits to provide direct broadcast services in India which increase its C-band services and market access.[8]

2.0 Satellites

Satellites provide communication by receiving radio signals transmitted by one earth (or ground) station and transmitting them back at a different frequency to another earth station. Communication satellites normally operate in a geostationary orbit which is an equatorial orbit with a period of 24 hours such that the satellite is always in the same position relative to a point on the earth's surface, so that earth stations do not need to improve their antennae appreciably to track the satellite.[9] The role of satellites in communications is determined by

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[5] SES, *SES completes acquisition of Intelsat, creating global multi-orbit connectivity powerhouse* (17 July 2025) https://www.ansa.it/sito/notizie/economia/business_wire/2025/07/17/ses-completes-acquisition-of-intelsat-creating-global-multi-orbit-connectivity-powerhouse_47a50a98-d63c-4281-a790-6f5793b319b7.html?utm_source=chatgpt.com accessed 11 February 2026.

[6] Ibid

[7] TechAfrica News, *Intelsat and ITRI announce plans to develop multi-orbit terminal for global connectivity* (10 July 2025) https://techafricanews.com/2025/07/10/intelsat-and-itri-announce-plans-to-develop-multi-orbit-terminal-for-global-connectivity/?utm_source=chatgpt.com accessed 11 February 2026.

[8] TV Technology, *Intelsat wins India approval for direct broadcast services* (date unspecified) https://www.tvtechnology.com/news/intelsat-wins-india-approval-for-direct-broadcast-services?utm_source=chatgpt.com accessed 11 February 2026.

[9] Because the signals have to travel to the satellite and back and because the geostationary orbit has a radius some six times that of the earth, transmission via satellite takes appreciably longer than transmission by terrestrial means, and a single satellite hop takes about 250ms, the exact figure depending on the relative locations of the earth stations and the satellite. This delay is quite noticeable in voice telephony where the speech is interactive, and it also necessitates the use of echo control in speech circuits. *Supra, note 1 at pg. 13.*

the differences in their inherent characteristics from those of line communication or terrestrial radio. Because satellites provide radio communications to a large area they are well suited for broadcasting and mobile services, and a single satellite can replace a whole network of terrestrial radio stations. Line communications are less suitable for broadcasting and are unsuitable for mobile services.[10]

Furthermore, because satellites are capable of providing line of sight communications they can use relatively high frequencies and therefore can provide high capacity links over a wide area services or high capacity short distance services.\satellites can provide communication to any location where there is a ground station, and therefore they are well suited to providing communication across terrain where the political situation or the geography makes the use of cable or microwave links difficult. In addition, ground stations can often be installed quickly since the equipment can be flown in and this feature makes satellites suitable for providing communications at short notice or for limited periods in the case of special events or in the aftermath of disasters.[11]

Fixed satellites services are however facing increasing competition from cables systems where developments in fiber optics are producing far more substantial reductions in costs than are possible with satellites, thus in the longer-term satellites will tend to be used only in situations that exploit their special characteristics. The two main organizations that provide satellite capacity for fixed services are INTELSAT and EUTELSAT. In addition, mobile satellite services developed more slowly than fixed services because of technical constraints and because of the high cost of a satellite which can transmit sufficient power for reception by a mobile earth station. The early earth stations used for fixed services had antenna dishes with diameters of the order of 30m which is clearly impracticable for a mobile. However, by the early 1970s satellites had become sufficiently large and receiver electronics sufficiently sensitive for telephony communications to ships with antenna diameters of 1 to 2m. These developments led to the formation of IMARSAT the International Mobile Satellite Organisation which provides most mobile satellite services.[12]

3.0 History and Development of Intelsat: An Overview

An overview of the historical background of INTELSAT is necessary for two reasons. First, the present debate on inter-system coordination cannot be separated from the technological, economic, and political circumstances that have influenced the present regulatory framework of INTELSAT. Several issues discussed during the formative stage were not solved satisfactorily and came out again in the operational stage of INTELSAT. Secondly, for a simple reason, the

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[10] *Ibid pg. 13-14*
[11] *ibid*
[12] *ibid*

present debate on inter-system coordination is not a new issue. It has been discussed ever since the idea of INTELSAT was still an embryo in the mind of American policy-makers.[13]

Intelsat is a communications satellite services provider. Originally formed as International Telecommunications Satellite Organization (INTELSAT), it was— from 1964 to 2001—an intergovernmental consortium owning and managing a constellation of communications satellites providing international broadcast services. As of March 2011, Intelsat operates a fleet of 52 communications satellites, which is one of the world's largest fleet of commercial satellites.[14] The International Telecommunication Satellite Organisation (INTELSAT) was conceived at a time when the world felt the fear of the Cold War as well as the awe of mankind reaching into space. From thirteen original members and one small satellite, the Organisation has grown to cover 130 signatories, over 300 authorized customers, and a fleet of twenty satellites. As a result of INTELSAT's technological innovation, we saw the moon landing[15], and were kept up to date with the on the war in the Persian Gulf.

In 1965, Intelsat established the first commercial global satellite communications system. For the first time, people, businesses and governments could communicate instantly, reliably and simultaneously from all corners of the globe.[16] The Inter-Governmental Organization (IGO) began on August 20, 1964, with 11 participating countries. On April 6, 1965, Intelsat's first satellite, the Intelsat I (nicknamed Early Bird), was placed in geostationary orbit above the Atlantic Ocean by a Delta D rocket. In 1973, the name was changed and there were 80 signatories. Intelsat provides service to over 600 Earth stations in more than 149 countries, territories and dependencies. By 2001, INTELSAT had over 100 members. It was also this year that INTELSAT privatized and changed its name to Intelsat. Since its inception, Intelsat has used several versions (blocks) of its dedicated Intelsat satellites. INTELSAT completes each block of spacecraft independently, leading to a variety of contractors over the years. Intelsat's largest spacecraft supplier is Space Systems/Loral, having built 31 spacecraft (as of 2003), or nearly half of the fleet.[17]

The network in its early years was not as robust as it is now. A failure of the Atlantic satellite in the spring of 1969 threatened to stop the Apollo 11 mission; a replacement satellite went into a bad orbit and could not be recovered in time; NASA had to resort to using undersea cable telephone circuits to bring Apollo's

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[13] *Ibid 3*, pg, 3.
[14] Intelsat History, Our Story available at https://www.intelsat.com/intelsat-history/ accessed on 10/02/2026 at 3:48pm.
[15] NASA put a man on the moon–and the world watched it happen via Intelsat.
[16] Intelsat, Our History. Available at http://www.intelsat.org accessed on 22/04/2014 at 1:32pm.
[17] *Ibid 9*

communications to NASA during the mission.[18] Fortunately, during the Apollo 11 moonwalk, the moon was over the Pacific Ocean, and so other antennas were used, as well as INTELSAT III, which was in geostationary orbit over the Pacific.[19]

When international satellite organisations were formed, telecommunication services were provided by state-owned monopolies, with the exception of United States. Therefore, the structure of international satellite organisations and their constitutive documents were fashioned accordingly. The sole telecommunication authority or provider was the designated representative to the international satellite organisations. With deregulation and liberalisation, the number of telecommunication service providers in international satellite organizations member states has increased. International satellite organisations will have to face the challenge ahead. Increasingly, they were under pressure, both externally and internally, to change their structure so that they could meet the challenge. There is a consensus that they will have to take a more commercial approach than before. The debate is to what degree.

4.0 Legal Regime of International Telecommunication Satellite

The launching of the first Soviet satellite, Sputnik 1, in 1957 was a shock to the common belief that the United States (U.S.) was superior in the scientific and technological fields. This challenge forced the U.S. government to review its space policy goals. The result was a change in American policy goals, among which, satellite development was given priority.[20] The first American Satellite, Explorer I, was orbited on January 31, 1958. Thereafter, U.S. capability in satellite technology rapidly developed. The unprecedented development of satellite communications technology provided an impetus to recover the U.S. image. In December 1960, President Dwight D. Eisenhower declared a policy guideline.[21] While the establishment of a commercial communications satellite would require the concerted capabilities and funds of both Government and private enterprise, he specifically emphasized that the Government should encourage private enterprise in the establishment and operation of satellite communications for commercial purposes. This private-oriented policy was put into effect on January 4, 1961, when the administration published an offer for competitive proposals for the development of an experimental communications satellite system.[22]

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[18] de Selding, Peter B. (2011-03-14). "Intelsat Signs Up for Satellite Refueling Service". Space News. Cited *ibid.*

[19] Selding, Peter B. (2010-03-03). "MDA Designing In-orbit Servicing Spacecraft". Space News. Cited in *ibid.*

[20] Jonathan F. Galloway, ***The Policies and Technology of Satellite Communications,*** Toronto: Lexington. 1(72) at pg. 12. Cited *ibid 3.*

[21] New York Times, December 31, 1960, as cited in *Ibid.* at 22-23. Cited *ibid 3.*

[22] At that time, AT&T was already a giant telecommunication company. Actually, AT&T submitted a proposal for the establishment of a satellite communications system. But without giving its reply to this proposal, the administration made a public offer. See in *ibid.* at 23.

Eisenhower's successor, John F. Kennedy, opposed Eisenhower's competitive bidding proposal whose outcome, he believed, would turn over satellite communications to AT &T.[23] Instead, he adopted broad, public interest objectives as reflected in his subsequent policy statements.

On January 30, 1961, President Kennedy invited all nations, including the Soviet Union, to join the U.S. in developing a new communications satellite program. A complete description of his policy was given in the President's Statement on Communication Satellite Policy of July 24, 1961.5 after repeating the invitation for all nations to participate in a communication satellite system; he elaborated the elements of the proposed system. In that system, private ownership and operation of the U.S. portion of the system was favored provided that certain policy considerations were met. These considerations included the availability, at the earliest possible date, of both new and expanded services and the extension of the system to provide global coverage; foreign participation through ownership of the system or otherwise to he made possible, the non-discriminatory use of, and equitable access to, the system by authorized carriers; effective competition in equipment acquisition and in the operation of the system; compliance with anti-trust legislation; and the development of an economic system, the benefits to be reflected in overseas rates. Governmental responsibilities were also laid down. These included the conducting and encouraging of research conducting or supervision of international agreements and negotiations; control of US spacecraft launchings; use of the system for government purposes except where government news indicated otherwise; and assuring effective use of the radio spectrum and the shutting down of satellites when required for effectiveness and efficiency. In addition, the government would provide technical assistance to newly developing countries in order to help attain an effective global system as soon as possible and examine, with other countries, that most constructive role for the UN, inc1uding the ITV, in international space communications. Ali government agencies were to help attain these objectives.[24]

Based upon Kennedy's policy, several U.S. agencies, the Congress, and industries were involved in the discussions regarding the establishment of a commercial satellite communications system. Their views were divided on two main issues. The first issue being the form and ownership of the commercial enterprise. There were three main alternative proposals for the commercial structure of the system: a government-owned corporation, a wholly private corporation dominated by the U.S. international common carriers, and a hybrid corporation with ownership divided among private investors, the US carriers, and the U.S. government.[25] The second issue was about the level of government control in the system.

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[23] *ibid*

[24] *Ibid 3.*

[25] For a good background of the debate, see *supra,* note 15, al 28 et seq.

Historically, the involvement of the U.S. government in the field of telecommunication has varied from merely providing assistance to fledgling companies to the setting up of regulation both domestically and internationally.[26] Therefore, the discussion was centered mostly on how to set up one company which would not bring with it the disadvantages of monopoly. For that reason, the majority thought that government interference in the system might be necessary. The debate continued in the Congress. The dominant opinion favored a private venture with government regulation if competitive bidding and non-discriminatory access to the system could be assured.[27] Thus, for political and economic reasons; there was a stronger support for a single system than for multi-systems.

After lengthy consideration, legislative activity finally culminated in the Communications Satellite Act of 1962.[28] On August 31, 1962, President John F. Kennedy signed into law the Communications Satellite Act of 1962. Several factors contributed to the adoption of this Act. First, a fear of Soviet superiority precipitated consensus. Secondly, there was strong belief that a commercial satellite communication system would benefit the U.S. politically and economically.[29] These benefits would he easily achieved through American ownership and control of the system.

An Inter-governmental Interim Agreement and a Special Agreement were signed in 1964 by 11 members.49 The interim organisation was to be managed by Comsat Corporation of USA. This arrangement was to be reviewed after 5 years.50 Negotiations for the Definitive Agreements took place around 1969. The final version was reached and opened for signature in May 1971. The Definitive Agreements consist of:

a. The Agreement Relating to the International Telecommunications Satellite Organisation (INTELSAT) ('the Agreement'), which replaces the Intergovernmental Interim Agreement; and

b. The Operating Agreement, which replaces the Special Agreement.[30]The

Definitive Agreements give INTELSAT a juridical personality.[31] Other important features include structural changes and the recognition of regional satellite systems.[32] The US also relinquished its majority position.[33] The two basic

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[26] *Ibid at 10*
[27] *Bid at 34*
[28] *Communications Satellite Act,* Public Law 87-264, 87th Congress, August 3), 1962 (hereinafter "the Satellite Act").
[29] *Supra, note 15 at pg. 26.*
[30] *Supra,* note 1 at pg. 367-371 for description of the Interim INTELSAT.
[31] Article IV of the Agreement.
[32] J Fawcett, **INTELSAT** (1995) 2 *EPIL* pg. 1000-1003.

constituent documents are testimonies to INTELSAT's hybrid nature. The Agreement is a treaty signed between states, each referred to as 'Party'. The Operating Agreement is signed either by the Party or a designated telecommunication entity, national of the Party, called the 'Signatory'. Usually, they were state-owned telecommunications enterprises. The relationship of Party and Signatory is governed by their domestic laws. The nature of the Operating Agreement is akin to that of a private commercial joint venture.

The two agreements are linked[34] and came into force concurrently on 12 February 1973.[35] The latest version of the agreements contains amendments made on 31 August 1995 by the 20th Assembly of Parties and on 4 April 1995 by the 25th Meeting of Signatories.[36]

INTELSAT was formed with the aim of 'achieving a single global commercial telecommunications satellite system as part of an improved global telecommunications network which will provide expanded telecommunications services to all areas of the world and which will contribute to world peace and understanding'.[37] Its 'purpose (is) to continue and carry forward ... the design, development, construction, establishment, operation and maintenance of the space segment of the global commercial telecommunications satellite system',[38] with the prime objective of providing 'on a commercial basis, the space segment required for *international public telecommunications services* of high quality and reliability to be available on a *non-discriminatory basis to all areas of the world..*"[39]

The principle of non-discrimination in pricing is considered entrenched by virtue of Article III(a), Article V(d) and INTELSAT's practice since inception.[40] There is an inherent contradiction between 'commercial basis' and non-discriminatory pricing. The question is whether the policy of non-discrimination can be maintained without violating the requirement for commercial viability.[41] As an indication of the milieu in which INTELSAT was formed, it is noteworthy that UN

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[33] A Board of Governors replaced the Interim Communications Satellite Committee, hence eradicating the controlling vote of the US. See Fawcett, *ibid* at *pg.* 1003. The US' initial shareholding is 60%. It decreased its holdings in 1973. By 1992, there were 122 members and US merely held 22% of total shares. See Jonathan F Galloway, **The Space Commercialisation Laws: Space Law in the United States** (1992) *Space Law* 71, at 77.

[34] See definition and appointment of 'Signatory', Articles I and II (b), the Agreement and definition of 'Agreement' in Art 1, Operating Agreement.

[35] The Agreement, at http://www.intelsat.int/cmc/agremnts/agremnts.htm

[36] *Supra*, note 1, at 375.

[37] Preamble to the Agreement.

[38] Art II (a), *ibid.*

[39] Art III (a), *ibid.*

[40] INTELSAT Study on the Legal Restraints Imposed Upon Itself by Its Signatory Agreement and INTELSAT's News Release Commenting on the US Government's policy, 7 Dec 1984, ***International Satellite and Cable Television***, pg. 170-176 and pg. 191-193.

[41] HL van Traa-Engelman, **Commercial Utilisation of Outer Space, Legal Aspects** (1989) *Proc Colloq on the L of Outer Space* 417, at 420

General Assembly Resolution 1721[42] is referred to in the Interim Agreement and the Agreement. The Outer Space Treaty 1967[43] which came into force after the Interim Agreement was signed is incorporated in the Preamble to the Agreement.

INTELSAT provides telecommunication services in the space segment only. It also approves and sets standards for the earth station terminals.[44] Space segment is defined as 'the telecommunications satellites, and the tracking, telemetry, command, control, monitoring and related facilities and equipment required to support the operation of these satellites.'[45] The earth segment is undefined in the agreements. There are 3 tiers of services:

1. international public telecommunications services;[46]
2. other domestic public telecommunications services;[47] and
3. specialised telecommunications services.[48]

'Public telecommunication services' is defined in The Agreement to include:

a. telephone and telegram exchange;
b. information services; and
c. broadcasting of radio and television.[49]

The definition expressly excludes those core services provided by INMARSAT.[50] Due to its mandate of providing universal service, the following are considered 'international public services':

a. domestic public telecommunication services between areas separated by another country or high seas, *e.g.* Alaska, Philippines or Indonesia;
b. domestic public telecommunications services between regions of such harsh terrain that it is not viable to have terrestrial wideband facilities.[51]

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[42] Resolution 1721 (XVI) International Co-operation in the peaceful Uses of Outer Space 1961 at http://www.unesco.org/webworld/com/compendium/Chap2-3.htm#2.3.SpaceLaw.
[43] Treaty on the principles Governing the Activities of States in the Exploration of Use of Outer Space, Including the Moon and Other Celestial Bodies, *ibid.*
[44] Art 14, the Operating Agreement. Note also that the application for use is to be submitted by a Signatory.
[45] Art I(h), the Agreement.
[46] Art III (a), *ibid.*
[47] Art III (c), *ibid.*
[48] Art III (d), *ibid.*
[49] Art I(k), *ibid.*
[50] *Ibid.*

Other domestic public telecommunication services are provided to the extent that the ability of INTELSAT to achieve its prime objective is not impaired.[52] As for specialised services, the restrictions are that:

a. they be for peaceful purposes;

b. their provision would not affect public telecommunication services; and

c. the arrangements are acceptable from a technical and economic point of view, such as not causing harmful interferences.[53]

In addition to the discus on the changes to INTELSAT, it is imperative to have a basic understanding of its structure. INTELSAT has four organs, the (a) Assembly of Parties, (b) Meeting of Signatories, (c) Board of Governors, and (d) Executive organ.[54] Each organ is independent of the others. Except for the Executive organ which reports to the Board of Governors[55] and otherwise provided in the 2 Agreements, 'no organ shall make determinations or otherwise act in such a way as to alter, nullify, delay or in any other manner interfere with the exercise of a power or the discharge of a responsibility or a function attributed to another organ'.[56] However, each shall 'take note of and give due and proper consideration to any resolution, recommendation or view made or expressed by the others.[57]

Assembly of Parties

The Assembly of Parties is composed of member states. It deliberates on issues which are of primary interest to the Parties as sovereign states and directs general policy and long-term objectives of INTELSAT consistent with its principles, purposes and scope of activities.[58] The Assembly meets once every two years.[59] Each Party is allowed one vote. Decisions on matters of substance need at least two-thirds of the Parties present and voting. Procedural matters can be passed by a simple majority of those present and voting.[60]

Meeting of Signatories

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[51] Art III (b), *ibid.*
[52] Art III (c), *ibid.*
[53] Art III (d), *ibid.*
[54] Art VI (a), the Agreement.
[55] Art VI (a)(iv), ibid.
[56] Art VI (b), ibid.
[57] Art VI (c), ibid.
[58] Art VII, *ibid.*
[59] Ibid.
[60] Art VII, ibid.

This is composed of all the Signatories to the Operating Agreement. As Signatories are mainly investors of INTELSAT, the function and powers of this organ mainly relates to technical and financial matters.[61] Probably, its most important function is to determine annually the minimum investment share which a Signatory has to hold in order to be represented on the Board of Governors.[62] Each Signatory is entitled to one vote. The quota of votes necessary for a resolution to be passed is the same as for Assembly of Parties.[63] Signatories meet at least once a year.[64] The appointment of Signatories and its number for each country is soon to be changed.

Board of Governors

In practice, this is the most powerful organ within INTELSAT. The members of the Board have responsibilities for 'the design, development, construction, establishment, operation and maintenance of the INTELSAT space segment...'[65] The Governors are represented by Signatories with certain amount of investment shares. The vote which they can exercise is equal to the investment share of the Signatory or Signatories which they represent. The investment share held is linked to the Signatories utilisation of INTELSAT space segment. If one considers the fact that all other organs of INTELSAT work on the basis of one member one vote, this is the least democratic organ of INTELSAT. This is because decisions will be made by those which use INTELSAT's services the most. This runs contrary to the voting principle of most international organisations, which is along the lines of universal suffrage *i.e.*, one country one vote. To protect against dominance of the Board by one Signatory, the maximum votes which one Governor can exercise is 40%.[66]

A quorum for any meeting is either a majority holding at least two-thirds of the total voting rights or the total number of the Board minus 3, regardless of the votes represented. Consensus is encouraged in the decision-making process. If this is not possible, either four Governors having at least two-thirds of the total voting rights or the total number of the Board minus three, regardless of the number of votes they represent, for substantive questions. All procedural issues shall be decided by a simple majority.[67] Two or more Signatories with a combined investment share meeting the required amount set may elect to have a Governor representing them.[68] In order to ensure that the Board is well represented from all parts of the world, a group of at least five Signatories belonging to one of the regions defined in the International Telecommunication

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[61] Art VIII, ibid.
[62] Art IX(b)(ii), ibid.
[63] Art VIII, *ibid.*
[64] Ibid.
[65] Art X, the Agreement.
[66] Art IX, *ibid.*
[67] *Ibid.*
[68] *ibid*

Union Plenipotentiary Conference held in Montreux in 1965 can be represented by one Governor, regardless of total amount of investment shares held. The number of Governors in this category is limited to two.[69] There is a guideline to keep the total number of Governors to the Board as close to 20 as possible.[70] This is to ensure that decisions are made quickly and by consensus.

Executive Organ

The executive organ is headed by a Director General who is the chief executive officer as well as the legal representative of INTELSAT. He is appointed to the office usually for a period of 6 years and is answerable to the Board of Governors. The executive organ manages the day-to-day operations of INTELSAT.[71]

In relation to membership, any country which is a member of International Telecommuncation Union is eligible to become a member of INTELSAT.[72] Signatories to the Operating Agreement must make a capital contribution in proportion to its investment share.[73] This is calculated in accordance with the Signatory's utilisation of INTELSAT services as a proportion of total use of INTELSAT's space segment. The minimum capital contribution is 0.05%.96 there is a ceiling on the total capital commitment. The initial cap is US$500m.[74] It can be changed by the Board of Governors and Meeting of Signatories. In 1994, the ceiling was US$4 billion.[75] The amount of investment share which a Signatory holds varies from year to year, depending on the number of Signatories and usage of the system.

The total must equal to 100%. It is determined on 1st March each year. The minimum which a Signatory must hold is 0.05%, regardless of use.[76] Signatories are entitled to trade their investment shares each year, as long as the investment shares, they hold do not fall below the minimum of 0.05%.[77] The ownership of a larger percentage of shares may make the difference between being represented on the Board or not.

Over the last few years, the legal framework of international telecommunications satellites has also undergone a great transformation in response to technology, increased market entrance and changing regulatory interests. Still traditional frameworks based on treaties like the Outer Space Treaty and the Registration

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[69] *Ibid.*
[70] Art IX(iv), *ibid.*
[71] Art XI, *ibid.*
[72] Art XIX, *ibid.*
[73] Art 4, the Operating Agreement.
[74] Art 5, ibid.
[75] Kennedy and MV Pastor, An Introduction to International Telecommunications Law (1996), Chapter 5;
[76] Art 6, the Operating Agreement.
[77] Art 6, *ibid.*

Convention remain fundamental to give legal principles such as peaceful use of outer space and state responsibility of objects launched but are increasingly being complemented by dynamic regulatory reactions on both national and international fronts to meet the rapid deployment of non-geostationary satellite systems and complex licensing environments. The legal frameworks of various jurisdictions are adjusting to allow market liberalisation and spectrum management and national interests, as seen in renegotiated spectrum allocation programs and changes in licensing policies in major markets, proactive spectrum reforms by the U.S. Federal Communications Commission to open up satellite spectrum to more uses, and policy changes in countries such as India and Nigeria that open up their spectrum to foreign investment and enhance licensing controls on the use of satellite spectrum. In addition, new legal issues have been created including court review of satellite spectrum licences in Europe that are indicative of the increased focus on procedural fairness, competition and security in the satellite sector. The trends are indicative of the fact that the international legal framework of telecommunications satellites is becoming multi-layered - acting as a combination of broad principles of space law alongside background regulatory structures that respond to spectral coexistence, technological heterogeneity, and commercialisation dynamics in the age of large constellation and hybrid offerings.[78]

5.0 Comparative Analysis

INTELSAT as posited in this paper is the world's largest commercial satellite communications service provider. Its formation was at the initiative of USA under Kennedy's administration. The Communications Satellite Act 1962 was passed for this purpose.[79] There are theories that the US had the intention of having a fully US owned and controlled consortium with subscriber users. However, this met with resistance from Europe. Under the umbrella of European Conference Post and Telecommunications Administrations (CEPT), later replaced by European Conference on Satellite Communications, the European countries were able to take a strong and unified stance. The compromise is the unique structure of INTELSAT, an international consortium in the form of a joint venture or co-operative.[80] INTELSAT's structure was later emulated by many other international and regional communication satellite organizations some of which will be examined below.

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[78] B A Gur, 'Equitable Access to Satellite Broadband Services' (2024) 48 Telecommunications Policy; Miguel Sanchez, 'Advancements in Space Law: Satellite Communications Industry Regulations and Obligations for Orbital Debris Mitigation' (2025) 53 International Journal of Legal Information; Satellite constellations: International legal and technical aspects (2022) 196 Acta Astronautica 176–185; On the settlement of space- and international telecommunications-related disputes (2023) 211 Acta Astronautica 655–663.

[79] George Huang, **International Satellite Organizations Facing the Challenge: INTELSAT and INMARSAT** Singapore Journal of International & Comparative Law (1999) 3 pg. 196.

[80] *ibid*

Canada

The Canadian telecommunications industry today is characterized by a wide and growing variety of players offering high quality service. This variety is the result of the opening of the market to competitive entry- a trend which started in the late 1970s, gathered steam during the 1980s and culminated in virtually complete liberalization by the early 1990s. Unlike many other countries, Canada never had a single telephone company. Over the years, a series of regional monopolies developed with a variety of ownership arrangements. Some were public companies with shares listed on stock exchanges; some were subsidiaries of foreign carriers; and one was for many years owned by a combination of the federal government and nine other telephone companies.[81]

Canada has one overseas telecommunication carrier, Teleglobe Canada, which handles traffic to and from all countries other than the USA. Teleglobe Canada has interests in various underseas cables, and is a participant in INTWELSAT and IMARSAT. Canada-USA traffic is not handled by Teleglobe Canada but is exchanged directly between long distance companies in each country.[82] The Telecommunication Act of 1993 is the primary statute relating to telecommunication matters in Canada. It is coming into force replaced a variety of statutes, the most important of which had been the Railway Act of 1908. The Telecommunication Act is divided into 5 parts and contains a statement of Canadian telecommunication policy that the Canadian Radio-television and Telecommunications Commission (CRTC) is required to apply in discharging its duties. Before the coming into force of the Telecommunication Act, no single statement of telecommunication policy guided the CRTC. Rather, policy was made by the CRTC itself by means of its decisions, augmented by the occasional pronouncements of the federal government.[83]

In recent years, direct satellite-to-mobile services have advanced with commercial launches such as Rogers' new satellite-to-mobile connectivity offering, and regulators have moved toward a Supplemental Mobile Coverage by Satellite framework to fill coverage gaps and partner with terrestrial licensees.[84]

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[81] Lorne P. Salzman, McCarthy Tetrault, Toronto, ***History and Development of Telecommunication in Canada,*** contributors in Colin supra, note 1, chapter 18 at pg. 333

[82] *Ibid at pg.334.*

[83] Section 7 Telecommunication Act 1993; see also ibid at pg. 337

[84] Rogers launches satellite-to-mobile services in Canada Reuters (9 Dec 2025) https://www.reuters.com/business/rogers-launches-satellite-to-mobile-service-canada-2025-12-09/ accessed 11 February 2026; Government of Canada publishes framework for supplemental mobile coverage from satellites Canada.ca (20 Feb 2025) https://www.canada.ca/en/innovation-science-economic-development/news/2025/02/government-of-canada-publishes-framework-to-expand-wireless-services-via-satellites.html accessed 11 February 2026.

China

During the Han dynasty, China boasted the most efficient communications system in the world. When the Deng Xiaoping reform era took held in the late 1970s, a number of forces encouraged the reform of the telecommunications system. Probably one of the first was the agreement of many large cities to have new, Western-style hotels to encourage the tourist trade. Such hotels required in some case more than a thousand telephone lines, so that each room would have its own telephone and access to overseas dialing facilities; something that the existing telephone system was completely incapable of handling. However, not all development was concentrated in the international telecommunication area. In April 1982, the Chinese Ministry of Post and Telecommunication issued its first formal request to lease transponders for domestic communication on the INTELSAT satellite. The lease provided nationwide broadcasting for two colour television stations through one of the transponders and 200 channels for intercity telephone communications through the remaining one-quarter of the transponder leased.[85]

In 2000, China set goals in modernizing its telecommunication system. Though these goals were very ambitious and impressive, China lacked an efficient regulatory framework for its telecommunications industry and no additional sources of finance for its planned expansion.[86]

The government and industry continue to scale commercial and provincial infrastructure with guidelines promoting direct-to-device services, and China will host the key ITU World Radiocommunication Conference (WRC-27) in 2027, underscoring its role in shaping global spectrum and orbit access.[87]

Sweden

After the incorporation of Swedish Telecom to Telia AB, it remained a signatory to INTELSAT, INMARSAT AND EUTELSAT and pending further legislation, Telia's signatory functions are dealt with in an agreement between Telia and the Government. There are no national regulations particularly dealing with telecom services via satellites, other than the frequency plan for which the PTA is responsible.[88] Sweden's regulator is engaging stakeholders on future spectrum needs for satellite direct-to-device services but anticipates a slower rollout, even

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[85] C. Brown ***Telecommunications*** (July/August 1982), China Business Review pg. 43-44.
[86] Owen Nee, Coudert Brothers, Hong Kong, ***Before Telecommunications Reform,*** contributors in supra 1 at pg. 355.
[87] International Telecommunication Union, *China to host ITU World Radiocommunication Conference 2027 in Shanghai* (Press Release, 1 December 2025) https://www.itu.int/en/mediacentre/Pages/PR-2025-12-01-WRC27-Shanghai.aspx accessed 11 February 2026.
[88] Olof Alffram and Susanne Themptander, AdvokatfirmanTisell& Co AB, ***Regulation of Services,*** Stockholm-Sweden. Contributors in *supra* 1, at pg. 641

as military satellite launches and space infrastructure investments signal expanded space capabilities.[89] Swedish regulator states satellite direct-to-device services will likely take several years in Sweden due to limited demand and technical challenges.[90]

United States

The provision of interstate telecommunications services in the U.S. today is largely market-driven, with regulatory oversight by the Federal Communications Commission continuing to play an important role in addressing those issues not adequately addressed by the marketplace. Similarly, the current telecommunications equipment industry in the U.S. is entirely market-driven, with limited regulatory supervision related largely to technology issues. The provision of telecommunication services within state boundaries, which is generally subject to exclusive jurisdiction of the state regulatory commission, is beginning to evolve to a similar market driven model. Most states now permit competition for intercity telephone service, many have adopted price cap regulation (or other incentive-based regulation) in lieu of rate-of-return regulation, and a very few permit at least, some level of competition for local exchange service.[91]

Most other communication services, including broadcast (radio and television), satellite, and cable services are also regulated at the federal level pursuant to the Communication Act of 1934 which established COMSAT as the U.S. signatory to INTELSAT and IMARSAT. Regulation of these services is principally governed by the Federal Communications Commission (FCC). The commission's decisions are subject to judicial review by the federal courts. Satellite services are also regulated and licenced by the FCC under Title II as common carrier services. As is also true for other common carriers, the nature and extent of regulation depends on whether a carrier is classified as dominant or nondominant. Unlike the case in many countries, COMSAT is a private corporation, with no government ownership, but with government oversight divided among several federal agencies. In addition, since early 1980s, the U.S. has championed competition for domestic satellites services, and has opened to competition its markets for both services and earth stations.[92] In the United States, the FCC is actively reforming satellite licensing and spectrum rules (including Supplemental Coverage from

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[89] Swedish Post and Telecom Authority, *Dialogue on Spectrum Needs for Satellite D2D* (21 Mar 2025) https://pts.se/en/news-and-press-releases/dialogue-on-spectrum-needs-for-satellite-d2d/ accessed 11 February 2026;

[90] Ibid

[91] Jeffrey Blumenfeld and Christy C. Kunin, ***Overview and History of the United States Telecommunication Industry Today***, Blumenfeld & Cohen, Washinton DC-USA. Contributor in *supra 1* at Pg. 650.

[92] *Ibid* at pg. 650.

Space and proposals to modernize Part 25 licensing) to better integrate satellite and terrestrial networks.[93]

Nigeria

Telecommunications, the oldest element, had a modest beginning with the first trunk telephone service between two towns in1923 (Ofulue, 1980). It was not until the 1950s that substantial expansion began with the introduction of VHF radio systems, 116 manual and five automatic telephone exchanges. In other to enhance the quality of telecommunications services in Nigeria, the telecommunications arm of the Post and Telegraph Department and the Nigerian External Telecommunications Limited, which previously managed the domestic and external services respectively, were merged in 1984 to single profit-oriented limited liability company called- NITEL.[94] Nigeria has recently granted multiple non-geostationary satellite licences (including Amazon's Project Kuiper) as part of an effort to liberalise its satellite market and expand broadband access.[95]

6.0Conclusion

The various organs of INTELSAT have decided that privatisation is the best means for INTELSAT to remain viable given the present and foreseeable international market conditions whilst maintaining INTELSAT's lifeline connectivity services to developing countries. To date, the process for privatisation has progressed as scheduled.[96] Despite the compromise incorporated in the INTELSAT Agreements, different political and economic interests among its members continuously attack the Organisation instead of

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[93]**FCC adopts regulatory framework for supplemental coverage from space** (Report and Order and FNPRM, 14 Mar 2024) (describing new U.S. satellite-to-phone service authorisation and spectrum leasing rules) https://ised-isde.canada.ca/site/spectrum-management-telecommunications/en/learn-more/key-documents/consultations/consultation-policy-licensing-and-technical-framework-supplemental-mobile-coverage-satellite accessed 11 February 2026.

[94]Ofulue, O. N. 1980. "Telecommunications Services in Nigeria in the Seventies: An Overview". Paper presented at Nigerian Society of Engineers National Engineering Conference, Enugu, Nigeria, 4-6 December. Proceedings. Cited in L. A. Ogunsola and W. A. Aboyade, ***Information and Communication Technology in Nigeria: Revolution or Evolution, J. Soc. Sci., 11(1): 7-14 (2005).***

[95] Reuters, Nigeria grants seven-year satellite permits to Kuiper, BeetleSat and Satelio (16 Jan 2026) https://www.reuters.com/business/media-telecom/nigeria-grants-satellite-permits-beetlesat-satelio-amazons-kuiper-2026-01-16/ accessed 11 February 2026.

[96] The CEO's Page, INTELSAT webpage at http://www.intelsat.int/about/dgspage.htm ; 'INTELSAT CEO provides Overview of Organisation's privatisation plans to UN Conference in Vienna', Vienna, Austria, 20 July 1999, Intelsat Webpage, News Releases at http://www.intelsat.int/news/press/99-24e.htm ; 'Address by Mr Conny Kullman, INTELSAT Director General & CEO to Third United Nations Conference on the Exploration and Peaceful Uses of Outer Space', Vienna, Austria, 20 July 1999, Intelsat website, Policy Issues at http://www.intelsat.int/news/policy/ck-unispace/htm.

legal reasoning, political and economic consideration play role dominant role in the decision-making process.[97] The above discussion shows that the legal regime of INTELSAT has since matured far beyond the intergovernmental system of the Cold War into the modern era of liberalisation, privatisation, multi-orbit structures, and highly competitive business environment. Although the core principles of INTELSAT such as universal access, neutrality in service delivery and international coordination are still pertinent, the contemporary market of satellite communications is marked by the privatization of the ownership model, multidimensional coordination of the spectrum with the ITU system in place and new national regulatory reforms to enable geometrical constellations and inter-satellite to mobile communication. The comparative analysis of Canada, China, Sweden, the United States and Nigeria also support the notion that national strategies are more and more about domestic priorities of security, broadband inclusion, competition and industrial policy as opposed to one type of uniform international strategy.

7.0 Recommendation

Considering the foregoing, it is suggested that states and regulators enhance clear and predictable licensing regimes of the operators of satellites, equitable spectrum sharing and coordination processes and opportunities of developing countries not to be marginalized by new satellite services. It should also be noted that the international cooperation needs to be intensified in response to new regulatory issues like the orbital congestion, spectrum coexistence, and responsibility of commercial participants, in order that the advantages of the satellite communications remain relevant towards making global connectivity, equity, and sustaining the development of telecommunication.

[97] *Ibid 3.*

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