

IWG1R

**International Mobile Satellite Organization
ASSEMBLY**

Intersessional Working Group

First Session

20 – 24 January 2003

IWG/1/Report

Origin: Chairman

Date: 13 February 2003

**REPORT OF THE FIRST SESSION OF THE
IMSO ASSEMBLY INTERSESSIONAL WORKING GROUP**

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**REPORT OF THE FIRST SESSION OF THE
IMSO ASSEMBLY INTERSESSIONAL WORKING GROUP**

1 OPENING OF THE SESSION

The First Session of the Intersessional Working Group (IWG) established by the Sixteenth Session of the IMSO Assembly (ASSEMBLY/16/Report, paragraphs 7.10 to 7.19 refer), met in London from 20 to 23 January 2003.

The Chairman, Mrs Ana Lucia Palhano Leal, who was appointed by the Assembly, opened the session and welcomed participants from 28 Member States and 6 observers:

The list of Participants is contained in Annex I to this Report.

2 ADOPTION OF THE AGENDA

The IWG adopted the Agenda for the meeting which is set out in Annex II to this Report. The list of Documents issued is set out in Annex III.

3 RULES OF PROCEDURE

The IWG noted that the Assembly had decided that the Rules of Procedure of the Assembly shall, *mutatis mutandis*, apply to the IWG, with the exception of Rule 15 relating to Quorum.

4 TERMS OF REFERENCE

The IWG noted the Terms of Reference which had been decided by the Assembly, which are attached at Annex IV to this Report.

5 DETAILED STUDY OF A POSSIBLE EXTENSION OF IMSO'S MANDATE

The IWG noted that the main item for discussion was a detailed study of a possible extension of IMSO's mandate in the light of the terms of reference of the IWG and, in particular:

- (a) the proposed amendments to the Convention submitted by the Party of Denmark (ASSEMBLY/16/7);
- (b) the views expressed and proposals made by IMSO Member States at the Sixteenth Session of the Assembly;
- (c) other documents submitted by the Netherlands, France, Canada and the United States of America prior to the Session (IWG/1/2, IWG/1/3, IWG/1/4 and IWG/1/5, respectively); and
- (d) views and proposals put forward to the IWG at the present session.

The IWG noted presentations made by the observers from the International Maritime Organization and the International Civil Aviation Organization on background to their relationships with IMSO and the Inmarsat System.

5.1 **Presentation by IMO**

5.1.1 The observer from IMO informed the IWG on relevant issues concerning IMO's needs in relation to the oversight of maritime mobile satellite services for the Global Maritime Distress and Safety System (GMDSS) and evolution within IMO towards the approval of other satellite operators. In particular, he drew the attention of the IWG to:

- (a) the development of the International Convention on the Safety of Life at Sea (SOLAS) following the sinking of the RMS Titanic in April 1912 and consequent loss of life; and the evolution of Chapter IV of the SOLAS Convention leading to the development of the GMDSS;
- (b) the establishment of Inmarsat by IMO specifically to be an international, intergovernmental provider of mobile satellite services

for the maritime community, as a necessary foundation on which the GMDSS could be built;

- (c) IMO's specific need for oversight of the GMDSS services provided by Inmarsat Limited and consequent close involvement in the negotiations leading to the privatisation of Inmarsat and establishment of a residual oversight mechanism in the form of IMSO;
- (d) IMO's present reliance on IMSO to provide continuing assurance of the standard of Inmarsat Limited's maritime operations (especially those mandated for the GMDSS by SOLAS Chap IV);
- (e) IMO's clear expectation that certain GMDSS functions could be provided also by other satellite service providers in the future. This expectation given substance in Resolution A.888(21) and the continuing focus of the Maritime Safety Committee (MSC) on keeping A.888 updated (most recently through consideration at COMSAR 7);
- (f) the absolute need for all service providers approved by IMO to provide such services to be subject to oversight and quality control procedures identical to those governing Inmarsat - so that the maritime community can be assured that these services will always be provided with continuity and to agreed standards; and
- (g) the fact that IMO had noted that "IMSO is considering expanding the scope of its oversight and this may result in oversight responsibility for all GMDSS satellite participants".

5.1.2 The IWG noted the information provided by IMO.

5.2 **Presentation by ICAO**

5.2.1 The observer from ICAO informed the IWG on ICAO's needs and expectations in relation to the oversight of aeronautical mobile satellite services provided by Inmarsat Limited and the issue of continuing assured compliance by Inmarsat with ICAO's Standards and Recommended

Practices (SARPs). In particular, he drew the attention of the IWG to the following:

- (a) the Inmarsat Convention (1976), as amended, which in revised Article 3 stated that one of the purposes of the Organization was “to make provision for the space segment necessary for improving, as practicable, aeronautical communications, notably for the sake of safety”, and revised Article 27 which provided that Inmarsat “shall take into account the relevant international standards, regulations, resolutions, procedures and recommendations” of ICAO. These amendments were made specifically to reflect the position of the ICAO Council on these issues;
- (b) the consequent signature in 1989, by ICAO and Inmarsat, of an Agreement of Cooperation, which recognized the exclusive competence of ICAO for establishing SARPs in the field of aeronautical communications, and provided proper coordination and cooperation between the two Organizations in all matters related to the planning and provision of aeronautical mobile satellite communications;
- (c) considering that specific references to aeronautical communications no longer appeared in the amended IMSO Convention after privatisation of Inmarsat, ICAO and IMSO discussed the terms of a draft Agreement of Cooperation to supersede the 1989 Agreement. These discussions focussed on the need to fill the gap between the former Inmarsat Convention and the IMSO Convention. Discussions in the ICAO Council during 1999 demonstrated particular concerns as to the implementation of ICAO SARPs by the company and the corollary oversight duties of IMSO. The Fifteenth Session of the IMSO Assembly approved new wording for the Agreement of Cooperation, proposed by ICAO, stipulating that “IMSO will ensure that the Company takes into account the applicable ICAO Standards and Recommended Practices in line with the public Services Agreement and will regularly inform ICAO accordingly”. A revised Agreement was subsequently signed on 20 September 2000;

- (d) IMSO's reporting to ICAO on the company's aeronautical communications has been well received so far and more systematic and documented information is desired for the future;
- (e) the ICAO Secretariat welcomes proposed amendments to the IMSO Convention that contribute to ensuring that aeronautical mobile satellite safety communication services be actually provided in accordance with the Standards and Recommended Practices established by ICAO; and
- (f) should, as a result of the amendments, such oversight be extended to other service providers, the Agreement of Cooperation would deserve being amended accordingly.

5.2.2 The IWG noted the information provided by ICAO.

5.3 **Submissions by IMSO Member States**

Denmark

5.3.1 The IWG noted a presentation by the representative of Denmark of their proposed amendments to the IMSO Convention, and Explanatory Notes thereon, which had been submitted to the Assembly at its Sixteenth Session (ASSEMBLY/16/7).

The Netherlands

5.3.2 The IWG also noted the view of The Netherlands Administration, expressed in its written submission (IWG/1/2).

Canada

5.3.3 The IWG considered a submission by Canada (IWG/1/3) that set out the approach Canada was taking for the purposes of discussing the amendments proposed by the Party of Denmark. Canada had noted that a variety of scenarios could be contemplated to address the questions raised by the certification of multiple operators of mobile satellite communications to support the GMDSS. However, before assessment and consideration of different possible scenarios could take place, there would be a need to have a clear understanding of the existing legal instruments governing the IMSO mandate and functions. In particular, it would be useful for the IWG

participants to obtain an interpretation of Clause 18(c) of the PSA with regard to the interplay between the adoption of amendments to the relevant SOLAS Convention provisions and effective termination of the PSA.

5.3.4 In this regard, Canada expressed the preliminary view that the words “*whichever is later*” in the provision ensure that termination could only occur after all three elements of Clause 18(c) of the PSA have taken place, including “*when IMO determines that the GMDSS requirements referred to in Clause 2.1 of the PSA are being satisfied by other satellite system operators*”. In other words, amendments to the SOLAS Convention and certification of new operators alone would not be sufficient to effect termination of the PSA. In Canada’s view, IMO has the latitude to decide if and when it would be appropriate to make a positive determination to the effect that GMDSS requirements *are being satisfied by other satellite system operators*. Therefore, it would indirectly belong to the IMO in the short, medium or longer-term to assess whether the PSA and the IMSO are still required.

France

5.3.5 The IWG also considered a submission by France (IWG/1/4), which identified some questions about the principle of an extension of the current competencies of IMSO regarding Inmarsat to other providers and proposed a methodology for the IWG to focus on these issues.

United States of America

5.3.6 The IWG noted a submission by the United States of America (IWG/1/5) and that the USA expressed strong support for the expansion of the Global Maritime Distress and Safety System (GMDSS) through the participation of additional MSS system operators. In this regard, the USA believed that governments should endeavour to maintain high standards of reliability for the GMDSS while expanding the reach of the system and access to it, and that to do so it would be important to maintain efficiency and to welcome new and improved technologies.

5.3.7 The IMO, and its Assembly Resolution A.888(21) adopted on 25 November 1999, should be the focal point of intergovernmental efforts to expand GMDSS. The USA does not see any need at this time to change the mandate of the IMSO to include either new services such as aeronautical

mobile-satellite services or service providers other than Inmarsat Ltd and Inmarsat Ventures plc as was proposed at the last Assembly.

5.3.8 The USA recommended that IMSO should cooperate with the IMO in an IMO review of the Resolution A.888(21) criteria and procedures to be applied to MSS operators participating in the GMDSS.

5.3.9 The USA informed the IWG that it was seriously concerned about proposals for new or additional intergovernmental oversight and industry funding that could adversely affect the MSS industry, observing that anything that weakens an MSS operator or the industry may impair GMDSS. Unnecessary regulations, and associated fees and other costs, could harm MSS operators or deter them from participating in the GMDSS, potentially threatening the expansion of GMDSS services. The best path to ensuring a safe, reliable and growing GMDSS system is one built on efficiency and a minimum of bureaucracy. The USA believed that, as the originator of the GMDSS and its primary custodian, the IMO should be the preferred vehicle for addressing issues related to the GMDSS. Similarly, it would be appropriate for ICAO to decide itself about any changes in the oversight of aeronautical emergency communications.

5.3.10 The USA does not believe that any change in the IMSO mandate or charter is required at this time. Such changes would be appropriate only if a requirement can be clearly articulated, if they are specifically supported by IMO and/or ICAO, if they could be accomplished without adding bureaucracy or creating new costs for Parties or satellite service providers, and if they would help enable other providers to participate in the GMDSS. None of these conditions has yet been demonstrated. Nonetheless, the USA is eager to work in any way possible with other governments to identify ways to strengthen the GMDSS.

5.4 **Review by the IWG**

Following the proposal by France (IWG/1/4), the IWG decided to undertake a separate consideration of the three service elements covered by the Public Services Agreement and the amendments proposed by Denmark.

5.4.1 **Mobile Satellite services for the GMDSS**

5.4.1.1 In relation to the GMDSS, the IWG attempted to develop answers to the following questions:

- (a) is there a need for any oversight of MSS service providers for the GMDSS;
- (b) if there is a need for oversight, should it apply only to Inmarsat Limited or also to other service providers which may be approved by IMO in future for participation in the GMDSS; and
- (c) if there is a need for oversight, should it be provided by individual governments, by IMO, by IMSO, or by some other entity?

5.4.1.2 The IWG then undertook a wide-ranging discussion of the issues before it and agreed the following considerations and issues, which are relevant to the introduction of new mobile satellite service providers into the GMDSS:

1 Background

1(a) The introduction of new mobile satellite communications service providers (MSSPs) in the GMDSS may entail:

- .1 initial evaluation and recognition of a new MSSP
- .2 periodic monitoring and reporting of the performance of a new MSSP

1(b) The introduction of a new MSSP into the GMDSS may also lead to a review of the role and functions of either Inmarsat Ltd or IMSO or both.

2 Initial Evaluation and Recognition of a new MSS

2(a) The work of the International Maritime Organisation (IMO) so far has led to the development of:

.1 IMO Assembly Resolution A.888(21) on Criteria for the provision of mobile-satellite communication systems for use in the GMDSS

.2 Draft MSC Circular on Procedure for Evaluation and Possible Recognition of Mobile Satellite Systems notified for use in the GMDSS (COMSAR 7/WP.3 – Annex 4)

2(b) IMO may need to consider other aspects in connection with the initial recognition or, for example, the legal framework between the IMO or the Contracting Governments to SOLAS and the new MSSP.

3 Periodic monitoring and reporting of the performance of new MSSPs

3(a) During the discussions at IMO on the recognition of a new MSSP questions may be raised as to:

.1 whether there is a need to periodically monitor the performance of new MSSPs (i.e. oversight)?

.2 what are the criteria to be verified during such periodic monitoring?

.3 how frequent such periodic monitoring should be (i.e. every six months, annually, etc.)?

.4 how such periodic monitoring should be carried out (i.e. the methodology to be followed)?

.5 who should carry out the periodic monitoring of the performance of new MSSPs?

3(b) Periodic monitoring of the performance of new MSSPs may be one of the conditions which may be imposed at the time of recognition of new MSSPs. This condition may be imposed either as a result of a collective decision of all Contracting Governments to SOLAS 74 or as a decision of a Contracting Government prior to allowing the new MSSP to provide services to ships entitled to fly their flag.

4 Is there a need to periodically monitor the performance of the new MSS?

4(a) This issue will have to be discussed within IMO and agreed by the Contracting Governments to SOLAS 74.

4(b) The way IMO has moved during the recent years suggests that some form of oversight may be required.

5 What are the criteria to be verified during such periodic monitoring?

5(a) At present, aside from what is included in Resolution A.888(21) this issue has not been specifically addressed by the Contracting Governments to SOLAS 74.

5(b) It is reasonable to assume that Contracting Governments will look what has happened so far with the oversight of Inmarsat Ltd and that they will develop appropriate generic criteria similar to those used today.

5(c) Appropriate ITU provisions may be referenced or new ones developed. There may be a need for IMO and ITU to cooperate further in this regard.

6 How frequent should such periodic monitoring and reporting be?

6(a) This issue will have to be discussed within IMO and agreed by the Contracting Governments to SOLAS 74.

7 How should monitoring be carried out (i.e. the methodology to be followed)?

7(a) This methodology will have to be developed within IMO and agreed by the Contracting Governments to SOLAS 74.

8 Who should carry out the periodic monitoring of the performance of the new MSSPs?

8(a) After IMO has agreed the performance criteria, periodicity and methodology of the periodic monitoring of the performance of new MSSPs (see sections 5,6 and 7 above), some of the options available for carrying out this activity are:

.1 periodical monitoring of the performance could be left to be addressed and dealt with by the Contracting Government to SOLAS which has proposed a new MSSP for recognition. The Contracting Government could be asked (or required) to make a report of its findings to IMO from time to time;

.2 this task could be assigned to a group of Contracting Governments who would act on behalf of all Contracting Governments and would report to IMO;

.3 SOLAS 74 (and if need-be the IMO Convention) may be amended in such a way that the IMO Secretariat could be assigned this task;

.4 discussions could lead to the establishment an international body (or organisation) to undertake this task and to report to IMO;

.5 IMSO may be requested to undertake this task and report to IMO.

8(b) Some other considerations that may also be taken into account include:

.1 the roles that proposing governments (i.e. governments that present an MSS system to the IMO for recognition as a component of the GMDSS) can play to ensure the greatest efficiency of the monitoring process;

.2 the value of technology neutrality in standards setting to encourage the availability and use of new technologies (consistent with the essential safety of life and property goals of the GMDSS); and

.3 the benefits of involving interested MSS system operators, through Governments, in the intergovernmental policy-making process regarding GMDSS as the above issues are examined.

8(c) There may be other options available. What is reasonable to assume is that the Contracting Governments to SOLAS will be inclined to adopt a mechanism which is simple, provides reliable periodic monitoring, does not entail to serious financial implications to themselves and necessitates the least changes to the international administrative and legislative framework.

9 The role of IMSO

9(a) The Contracting Governments to SOLAS 74 and IMO, during the deliberations of the issue, may seek advice on the following matters:

.1 what would be the possible impact of IMO approval of other MSSPs on SOLAS as amended, or on the Public Services Agreement between IMSO and Inmarsat Limited;

.2 whether IMSO (subject to the establishment of the appropriate framework) is willing to undertake the oversight function; and

.3 if IMSO is willing to undertake these functions, what is the necessary legal, administrative and financial framework to be put in place and how long it will take for these arrangements to be put in place and given effect (i.e. enter into force).

9(b) IMO, during the recent years, on a number of occasions has asked other inter-governmental organisations and non-governmental organisations with whom it has agreements of co-operation to provide advice on matters of their expertise. Therefore it is probable that IMO may also seek from IMSO advice on the whole issue or on specific aspects in the light of the various scenarios of oversight that may be under discussion.

5.4.1.3 The IWG also noted that discussions had taken place at the IMO Subcommittee on Radiocommunications (COMSAR) at its seventh session (13 to 17 January 2003) concerning maritime security, and proposals by the USA and Brazil (COMSAR 7/J/5) concerning long range identification and tracking of ships, and that members may wish to review the final report of the Subcommittee (COMSAR 7/21 – Report to MSC – paragraph 16.11) in relation to this issue.

5.4.1.4 The IWG decided that further consideration of the maritime amendments proposed by Denmark would depend in part on IMSO receiving a clear statement by IMO on its position in relation to the oversight of MSS service providers for the GMDSS. Recalling the present Agreement of Cooperation between IMSO and IMO, which had been signed on 15 December 1999, the IWG agreed to invite Member States present, who are also Contracting Governments to the SOLAS Convention, to consider raising these issues in IMO. In this regard, Denmark advised the IWG of its intention to make a submission on these issues to the next session of the Maritime Safety Committee (MSC 77 – 28 May to 6 June 2003).

5.4.1.5 The IWG requested the Director to provide information at its next session on developments in IMO which relate to the terms of reference of the Group.

5.4.2 **Aeronautical Mobile Satellite Services**

5.4.2.1 The IWG undertook a wide-ranging discussion of the issues relating to the proposed amendments on aeronautical mobile satellite safety communication services. Based on a discussion document developed by a number of delegations on behalf of the group, the IWG noted that:

- (a) prior to the amendments to the Inmarsat Convention giving effect to the privatisation of Inmarsat, that Convention had included provisions relating to aeronautical mobile satellite safety communication services;
- (b) as it stands today, the IMSO Convention does not mention aeronautical mobile satellite safety communication services. However, the present Agreement of Cooperation between IMSO and ICAO, which was approved by the ICAO Council and the IMSO Assembly of Parties and signed by the President of the Council of ICAO and the Director of IMSO on 20 September 2000, includes the following provisions:

“ICAO and IMSO shall establish and maintain close but non-exclusive consultation and cooperation in matters of common

concern relating to aeronautical mobile-satellite communications and, for this purpose:

- (a) arrangements shall be made for regular exchange of information on the activities of each Organization on such matters;*
- (b) in particular, IMSO will ensure that the company ^{1/} takes into account the applicable ICAO SARPs in line with the Public Services Agreement, and will regularly inform ICAO accordingly”;*
- (c) the IWG was not aware that any formal discussion had taken place between ICAO Member Governments relating to the proposed aeronautical amendments. In this regard, Japan stated their opinion that discussions between ICAO Member Governments would be necessary before IMSO could consider the proposed aeronautical amendments in more detail.

5.4.2.2 In the light of these considerations, the IWG identified the following questions which it believed would need to be answered before it could complete its work in relation to the proposed aeronautical amendments:

- (a) is there a need for new or additional oversight of aeronautical mobile satellite safety communication services?
- (b) is there a formal definition of aeronautical mobile satellite safety communication services and which services are so defined?
- (c) if there is a need for new or additional oversight:
 - .1 which precise services should be subject to such oversight;
 - .2 what should be the criteria for deciding which service providers are subject to oversight;
 - .3 how would those service providers become subject to oversight;

^{1/} reference to “the company” in the ICAO/IMSO Agreement of Cooperation means Inmarsat Limited.

.4 who should provide the oversight, and how; and

(d) if oversight were to be provided by IMSO, what would be the financial, legal and administrative implications?

5.4.2.3 The IWG decided that further consideration of the aeronautical amendments proposed by Denmark would depend in part on IMSO receiving a clear statement by ICAO on its position in relation to the oversight of MSS service providers for the aeronautical mobile satellite safety communication services. Recalling the present Agreement of Cooperation between IMSO and ICAO, which had been signed on 20 September 2000, the IWG agreed to invite Member States present, who are also Contracting Governments to the ICAO Convention, to consider raising these issues in ICAO.

5.4.3 **Seeking to serve all areas where there is a need**

5.4.3.1 Noting that the Assembly, at its sixteenth session, had agreed that the role of IMSO in respect of the rural and remote areas, including the principle and the legal methodology of a possible extension of IMSO's mandate, should be studied further in detail, the IWG reviewed the proposed amendments relating to this issue.

5.4.3.2 Denmark informed the IWG that the relevant provisions were included in Articles 3(c) and 5(2) of the proposed revised Convention. Denmark also advised the IWG that no change was proposed to Article 3(c) and that this same text existed in the present Convention. The substantive changes were in revised Article 5(2), which sought only to establish a mechanism for fulfilling the obligation under Article 3(c).

5.4.3.3 The IWG noted that, while the text of Article 3(c) remains unchanged, proposed new Article 3 would generally extend IMSO oversight to other providers of mobile satellite services and in this respect it also represents a substantive change.

5.4.3.4 Some delegations believed that the effect of proposed new Article 5(2) could be to establish a universal service obligation for mobile satellite operators. Some other delegations stated that this was not the intention in

seeking to amend the Convention and that IMSO would be practically unable to perform this function.

5.4.3.5 The IWG was informed that the intent of the proposed amendments was in fact limited to establishing a mandate for IMSO to perform a coordinating and facilitating role in seeking to focus the efforts and resources of donor countries, international organizations, agencies and private companies to extend the benefits of mobile satellite communications to the largest number of people in the rural and remote regions of the world.

5.4.3.6 Some delegations noted that several organizations, including the ITU and other specialised agencies of the UN, were already carrying out technical assistance activities of great value. In light of this, Canada questioned the need for IMSO to do so.

5.4.3.7 One delegation pointed out the possibility of a limited referrals function being instituted within IMSO following similar recently introduced practice in other international organizations. Such a mechanism could help direct requests for assistance from developing countries to relevant donor agencies that may be able to assist.

5.4.3.8 A number of delegations asked for more information concerning the current activities of the Secretariat in regard to rural and remote service provided by Inmarsat Limited. In this regard the IWG recalled the detailed information that had been provided by the Secretariat to the Assembly at its sixteenth session, and instructed the Director to provide a further report on this subject to the IWG at its next session. There was a general view that, to the degree that it was consistent with the organization's duty of commercial confidentiality, this type of information should also be included in the Annual Report to Parties on the activities of the Secretariat.

5.4.3.9 Canada noted that such information could provide a valuable starting point from which to progress the IWG's further consideration of the rural and remote issues.

5.4.3.10 Some of the developing countries present urged the organization to ensure that any actions that might be undertaken in respect of rural and remote communications should result in long-term engagement with the

country concerned and not lead to a proliferation of short-term, unfinished projects.

5.4.3.11 The observer from the ITU noted that the ITU already has a series of programmes designed to deliver technical cooperation assistance to developing countries. This assistance generally took the form of projects ranging from education to sending expert consultants to meet particular needs. These projects were routinely coordinated with other aid agencies, organizations and companies.

5.4.3.12 The IWG was unable to conclude its consideration of the obligation to seek to serve all areas in which there is a need for mobile satellite communications at this session and agreed to continue this debate at its next session.

5.4.4 **Proposed amendments to the Convention**

5.4.4.1 The IWG therefore noted that it had been unable to complete its consideration of agenda item 5.1, the proposed amendments to the Convention submitted by the Party of Denmark, at this session.

6 THE IMPLEMENTATION CONSEQUENCES OF A POSSIBLE EXTENSION OF IMSO'S MANDATE

The IWG did not consider this agenda item at this session.

7 ANY OTHER BUSINESS

7.1 The observer from ITU reported on the status of discussions in ITU regarding IMSO's request for exemption from financial contribution (see ITU C02/94, section 2). The matter was not decided at ITU Council 2002 nor discussed at ITU's Plenipotentiary meeting in 2002. Therefore, IMSO Parties who are also ITU Member States may wish to re-activate the discussion at the next ITU Council meeting, referring to C02/11, B.4, stressing that IMSO is an intergovernmental treaty organization.

8 DATE AND PLACE OF NEXT SESSION

8.1 The IWG agreed that a further session would be necessary before it could complete its work. In this regard the IWG expressed the wish that delegations to the next session would be fully prepared to debate and decide on all of the key issues which the IWG had been charged to consider by the Assembly.

8.2 The IWG agreed that the purposes of its next session would be to:

- (a) consider in detail the amendments proposed by Denmark;
- (b) review the implementation consequences of a possible extension of IMSO's mandate in relation, *inter alia*, to budget, personnel, and relocation of the Headquarters Building; and
- (c) reach conclusions and make appropriate recommendations to the Assembly accordingly.

8.3 Brazil proposed that the next session of the IWG should be held in London from 29 September to 3 October 2003. There was some discussion that these dates could conflict with another meeting and Cyprus suggested alternative dates of 27 to 31 October 2003. The matter was left to the Director to resolve in cooperation with the Chairman.

8.4 The IWG noted that the Rules of Procedure provided that documents could be submitted up to 24 hours before the session at which they were to be considered.

9 ADOPTION OF THE REPORT

9.1 The IWG decided to adopt this report of its first session, noting that it did not constitute a final report of its consideration of the items referred to it by the Assembly at its Sixteenth Session.

9.2 The IWG noted that the Director will arrange for the Report of its first Session to be circulated to all IMSO Member States and observers.

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**AGENDA FOR THE FIRST SESSION OF THE
IMSO ASSEMBLY INTERSESSIONAL WORKING GROUP**

- 1 Opening of the Session
 - 2 Adoption of the Agenda
 - 3 Rules of Procedure
 - 4 Terms of Reference
 - 5 Detailed study of a possible extension of IMSO's mandate, in the light of the terms of reference of the IWG and, in particular:
 - (a) the proposed amendments to the Convention submitted by the Party of Denmark
 - (b) the views expressed and proposals made by IMSO Member States at the Sixteenth Session of the Assembly, as well as views and proposals put forward to the IWG by any IMSO Member State
 - 6 The implementation consequences of a possible extension of IMSO's mandate in relation, *inter alia*, to budget, personnel, relocation of Headquarters Building
 - 7 Any Other Business
 - 8 Date and Place of Next Session
 - 9 Adoption of Report
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LIST OF DOCUMENTS

- IWG/1/1 Provisional Agenda for the First Session of the IMSO Assembly
Intersessional Working Group (IWG)
- IWG/1/2 Views of the Netherlands Administration
- IWG/1/3 Views of the Party of Canada
- IWG/1/4 Views of the Party of France
- IWG/1/5 Views of the Party of the United States of America

INFORMATION DOCUMENTS

- IWG/1/INF/1 Provisional List of Documents
- IWG/1/INF/2 Provisional List of Participants
- IWG/1/INF/3 Rules of Procedure of the Assembly
- IWG/1/INF/4 Terms of Reference for the IWG
- IWG/1/INF/5 Proposed amendments to the Convention submitted by the Party of
Denmark, and the Explanatory Notes thereto
- IWG/1/INF/6 Comments by ICAO on the Proposed Amendments
- IWG/1/INF/7 Comments by IMSO Parties on the Proposed Amendments
- IWG/1/INF/8 Document submitted by COSPAS-SARSAT
- IWG/1/INF/9 Extract from the Report of the Sixteenth Session of the IMSO
Assembly - Text of Agenda item 7 "Proposed Amendments to the
IMSO Convention"
- IWG/1/INF/10 Agreement of Cooperation between the International Civil Aviation
Organization (ICAO) and the International Mobile Satellite
Organization (IMSO)
- IWG/1/INF/11 Agreement of Cooperation between the International Maritime
Organization (IMO) and the International Mobile Satellite
Organization (IMSO)

**TERMS OF REFERENCE FOR THE IMSO ASSEMBLY INTERSESSIONAL
WORKING GROUP**

(paragraphs 7.10 to 7.19 of ASSEMBLY/16/Report refer)

- 1 At its Sixteenth Session, the IMSO Assembly:
- (a) recalling that the IMO Assembly adopted Resolution A.888(21) "Criteria for the Provision of Mobile Satellite Communication Systems in the Global Maritime Distress and Safety System (GMDSS),
 - (b) having noted the proposed amendments to the Convention submitted by the Party of Denmark, and the Explanatory Notes thereto, and after a thorough discussion during the Assembly Session,
 - (c) agreeing that the role of IMSO in respect of GMDSS, aeronautical safety services and rural and remote areas, including the principle and the legal methodology of a possible extension of IMSO's mandate, should be studied further in detail,
 - (d) noting that such extension may require amendments to the IMSO Convention, and possibly to other relevant agreements or treaties, and
 - (e) further noting that the implementation and possible consequences of such extension should also be thoroughly assessed,

DECIDED to establish an Assembly Intersessional Working Group (IWG):

- (a) to undertake a detailed study of a possible extension of IMSO's mandate in light of the above propositions,
- (b) to consider the proposed amendments to the IMSO Convention, and the Explanatory Notes thereon, submitted by the Party of Denmark,
- (c) to take into account and consider the views expressed and proposals made by IMSO Member States at this Session of the Assembly, as well as views and proposals put forward to the IWG by any IMSO Member State, and
- (d) to bear in mind the competencies of other appropriate intergovernmental organizations, such as IMO, ICAO and the ITU, etc., and the specific nature of each service.

2. The Assembly further **DECIDED** to instruct the IWG:
 - (a) to prepare a report with conclusions, recommendations and possible proposals for submission to the next Session of the Assembly, at least six months before the Assembly Session; and
 - (b) to assess the implementation consequences for the IMSO Secretariat in relation, *inter alia*, to budget, personnel, localization.
3. The Assembly further **DECIDED** to encourage Parties to actively participate in the work of the IWG, with a view to taking a decision on its recommendations at the next Session of the Assembly.
4. The Assembly also **DECIDED** to request the Director to invite representatives of other international organizations, particularly IMO and ICAO, to participate in the IWG as observers.
5. The Assembly also **NOTED** that the Director will invite the Chairman of the Board of the Company, or his representative, to participate in the IWG as observer, in accordance with Rule 6 of the Rules of Procedure for the Assembly.
6. The Assembly **DECIDED** to appoint Mrs Ana Lucia Palhano Leal of Brazil as the Chairman of the IWG, by acclamation.
7. The Assembly further **DECIDED** that Rules of Procedure of Assembly shall, *mutatis mutandis*, apply to the IWG, with the exception of Rule 15 relating to Quorum.
8. The Assembly **DECIDED** that the first meeting of the IWG will be held in London, at Inmarsat Headquarters from 20 to 24 January 2003, and that the deadline for substantive submissions to the IWG shall be four weeks before the session.
9. The Assembly **DECIDED** that the IWG should decide the place and dates of any subsequent meetings as well as any issues in connection with the deadlines relative to any substantive submissions.
10. The Assembly **DECIDED** to invite IMSO Member States and observers to communicate to the Director the names of the persons forming their delegations to the IWG, well in advance of each meeting of the IWG, so as to enable him to make appropriate arrangements.