

International Mobile Satellite Organization

ASSEMBLY

Eighteenth Session

25 – 29 September 2006

Agenda item 9

ASSEMBLY/18/9.2

Origin: Director

Date: 1 August 2006

**COMPOSITION AND TERMS OF REFERENCE
OF THE ADVISORY COMMITTEE**

<i>Executive Summary:</i>	this document discusses the election of the members of the Advisory Committee.
<i>Action to be taken:</i>	1. to consider and decide on the composition of the Advisory Committee, including observers; 2. to review the terms of reference of the Committee in the light of any decisions taken at the Assembly.
<i>Related documents:</i>	ASSEMBLY/18/INF/4, Annex IX, Reports of the Ninth to Fifteenth Sessions of the Advisory Committee

1 BACKGROUND

1.1 At its Sixteenth Session, the Assembly decided:

- (a) to establish the Advisory Committee on a permanent basis, until or unless otherwise decided by the Assembly;
- (b) to approve revised Terms of Reference for the Committee; and
- (c) to elect the following countries to be members of the Advisory Committee until the next regular Session of the Assembly:

Algeria, Bangladesh, Brazil, Colombia, Czech Republic, Denmark, France, India, Japan, Liberia, Poland, Portugal, Russian Federation, the United Kingdom and the United States of America.

1.2 At its Seventeenth Session, the Assembly elected the following seventeen (17) countries to be members of the Advisory Committee until the next regular Session of the Assembly:

Brazil, Colombia, Denmark, India, Indonesia, Italy, Japan, Liberia, Malta, Marshall Islands, Mexico, Poland, Russian Federation, South Africa, Spain, United Kingdom, United States of America.

1.3 It is therefore necessary to elect countries as members of the Advisory Committee up to the next regular Session of the Assembly.

1.4 The Assembly further decided that France and Portugal shall also attend meetings of the Advisory Committee, as observers, and would replace Denmark and the United Kingdom, respectively, if the representatives of those countries are unable to participate in meetings of the Advisory Committee.

1.5 In addition to France and Portugal, representatives of Nigeria, Panama and Turkey have also attended the Sessions of the Committee.

1.6 The current membership of the Committee is seventeen members, plus five observers. At its Fifteenth Session, the Committee discussed this matter and its deliberations are contained in Section 5.1 of the report of that meeting (Annex II to this document refers). Although there are obvious advantages to as many Member States as possible participating in meetings of the Committee, this needs to be balanced with the requirement for a Committee of a manageable size.

1.7 Representatives of Inmarsat and of potential service providers have attended various sessions of the Committee as observers.

1.8 The Assembly may wish to take this opportunity to establish a policy regarding observers to meetings of the Assembly.

1.9 At its Fifteenth Session, the Advisory Committee agreed to recommend to the assembly that it decide that the Committee should appoint a Vice-Chairman.

1.10 The current terms of Reference of the Committee are annexed to this document.

2 ACTION REQUIRED

2.1 The Assembly notes that item 1.2 of the Terms of Reference of the Committee states that the Advisory Committee “*shall consist of representatives from the fifteen Parties, elected by each Session of the Assembly, taking into account the need for full geographical representation, and for continuity of membership.*”

2.2 The Assembly decides to elect countries as members of the Advisory Committee up to the next regular Session of the Assembly.

2.3 The Assembly decides that the Advisory Committee should appoint a Vice-Chairman.

2.4 The Assembly decides, as appropriate, regarding observers to meetings of the Advisory Committee.

2.5 The Assembly reviews the Terms of Reference of the Advisory Committee in the light of decisions taken at the Eighteenth Session of the Assembly.

EXTRACTS FROM THE REPORT OF THE FIFTEENTH SESSION OF THE ADVISORY COMMITTEE RELATING TO MEMBERSHIP OF THE COMMITTEE

5.1 Composition of the Advisory Committee

5.1.1 The Committee noted document AC/15/5 “Composition of the Advisory Committee”, in particular the Director’s proposals regarding the term of office of members of the Committee and the composition of the Committee, including observers.

5.1.2 The Committee agreed that the system for the appointment of the Advisory Committee should not be changed at this time, noting that there was sufficient flexibility for the membership of the Committee to be broadened whilst keeping the activities of the Committee at a manageable level. The Committee also agreed that it may be necessary for the Assembly to revise the Terms of Reference for the Committee depending on decisions taken at the Eighteenth Session of the Assembly. The Committee also agreed to recommend to the Assembly that it decide that the Committee should appoint a Vice-Chairman.

5.1.3 The Director drew attention to the need for those countries appointed to serve on the Advisory Committee to participate actively in the meetings of the Committee. In this regard the Advisory Committee noted that some countries appointed at the last session of the Assembly had participated in only a few of its meetings and some had not attended any meetings at all. In view of the representative nature of such appointments, the Committee considered it very desirable that those countries accepting appointment to the Advisory Committee should understand fully the nature of the commitment, and requested the Director to include suitable guidance in his submission to the Assembly concerning appointments to the Committee.

TERMS OF REFERENCE FOR THE ADVISORY COMMITTEE**1 ADVISORY COMMITTEE**

1.1 The Advisory Committee is established by the Assembly on a permanent basis, to carry out, on behalf of and under delegation from the Assembly, the tasks set forth in these Terms of Reference.

1.2 The Advisory Committee shall consist of representatives from the fifteen Parties, elected by each Session of the Assembly, taking into account the need for full geographical representation, and for continuity of membership.

1.3 The Committee shall appoint its own Chairman.

2 TASKS

2.1 The Committee shall consult with the Director and give its guidance and advice to the Director on the following matters:

- (a) preparation by the Director of the annual budget of the Secretariat, and accounting and auditing procedures;
- (b) any proposed action by the Director to convene an extraordinary general meeting of the Holdings Company or initiate arbitration or judicial proceedings in the event of any alleged breach by the Companies of their obligations under the PSA, provided that if the Committee so requests, or the Director so decides, the Director shall convene an extraordinary session of the Assembly to authorize appropriate enforcement action;
- (c) determination by the Director of the staffing structure of the Secretariat, and standard terms of employment of Secretariat staff, and the Staff Rules;
- (d) any other matters delegated by the Assembly; and
- (e) any other matters on which the Director identifies a need to consult the Advisory Committee on a case-by-case basis.

2.2 The Committee shall approve the regular report of IMSO to the IMO envisaged in Article 4.3 of the Public Service Agreement (PSA), prepared and submitted by the IMSO Director.

2.3 The Committee shall agree the annual budget and resolve any issues regarding the annual budget which may be submitted by the Company.

2.4 The Committee shall review the Audited Annual Financial Statements of the Organization, and submit a report thereon to the Assembly.

3 **WORKING METHODS**

3.1 The Rules of Procedure for the Assembly shall *mutatis mutandi* apply to the Advisory Committee.

3.2 The Committee shall determine its own working procedures, including the frequency and location of its meetings.

3.3 The Director is requested to provide such practical assistance to the Committee as may be necessary. In arranging its work and holding meetings, the Committee shall endeavour to minimise costs to the extent possible.

4 **COSTS**

Costs associated with all travel, accommodation and subsistence of the members of the Committee at their meetings shall be borne by their respective Parties.

5 **REPORTING TO PARTIES AND TO THE ASSEMBLY**

On behalf of the Committee, the Chairman shall, through the Director, send regular reports to Parties on the results of its work, and shall also submit a report thereon to the Assembly.
