

AC17R

International Mobile Satellite Organization
ADVISORY COMMITTEE
Seventeenth Session
15 – 16 January 2007

IMSO/AC/17/Report
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Advisory Committee
Date: 2 February 2007

**REPORT OF THE SEVENTEENTH MEETING OF THE
ADVISORY COMMITTEE**

15 – 16 January 2007

**SIXTEENTH SESSION
OF THE IMSO ADVISORY COMMITTEE**

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REPORT OF THE SEVENTEENTH SESSION OF THE ADVISORY COMMITTEE

OPENING OF THE MEETING

The Advisory Committee met at IMSO Headquarters on 15 and 16 January 2007, under the chairmanship of Mr William Azuh of Nigeria, with Mr Arsenio Dominguez of Panama as Vice-Chairman, who were appointed by the Committee at a meeting on 29 September 2006.

The Assembly had elected the following 29 countries as members of the Advisory Committee up to the next regular Session of the Assembly:

Algeria, Bangladesh, Brazil, Canada, Chile, Colombia, Cyprus, France, Germany, Greece, Hungary, India, Italy, Japan, Kenya, Liberia, Malta, Marshall Islands, Mexico, Nigeria, Panama, Peru, the Russian Federation, Senegal, South Africa, Spain, Turkey, the United Kingdom and the United States of America, with Argentina and Portugal as observers and Malaysia as an alternative member on behalf of Bangladesh.

The Committee noted that the Assembly had decided that a quorum for future meetings for the Advisory Committee should be seven countries.

1 APPROVAL OF AGENDA

The Committee approved the Agenda. The Agenda, List of Participants and Terms of Reference are attached at Annexes I to III, respectively, to this Report.

2 OUTCOME OF THE SIXTEENTH SESSION OF THE ADVISORY COMMITTEE

The Committee noted the report of its Sixteenth Session, which was held on 20 and 21 September 2006. The report was sent to all IMSO Member States on 25 September 2006.

3 OUTCOME OF THE EIGHTEENTH SESSION OF THE IMSO ASSEMBLY

The Committee noted that the Eighteenth Session of the IMSO Assembly was held from 25 to 29 September 2006 and the Record of Decisions adopted at the Session was sent to all IMSO Member States on 18 October 2006.

The Committee noted document AC/17/3, and that the Assembly had requested the Committee to review the following: Terms of Reference for the Advisory Committee, Public Services Agreement, Rules of Procedure for the Assembly and Functions of the Director.

4 OUTCOME OF THE EIGHTY-SECOND SESSION OF IMO MARITIME SAFETY COMMITTEE (MSC)

4.1 The Committee noted document AC/17/4 containing extracts from draft Report of the Eighty-Second Session of the Maritime Safety Committee of the International Maritime Organization (IMO MSC), held in Istanbul, Turkey, from 29 November to 8 December 2006.

4.2 The Committee noted the following decisions of the MSC which have an impact for IMSO:

- (a) the MSC invited IMSO to undertake the oversight of future satellite providers in the GMDSS forthwith; and
- (b) the MSC decided to appoint IMSO as the LRIT Co-ordinator and invited IMSO to take whatever action it could in order to ensure the timely implementation of the LRIT system; the MSC also invited IMSO to submit a paper to its next session (November/December 2007) giving a detailed analysis of how it intended to undertake the role.

4.3 The Committee noted information provided by the Director that the IMSO Head of Technical Services had been developing the project plan (Road Map) envisaged by MSC 82. The completed project plan was being developed in consultation with the IMO Secretariat, key Member States and industry, and would seek to identify risks and ways to minimise them, rather

than focussing on contingencies in the event of failure. The Director will submit an outline project plan to the next session of the Committee and urged members of the Committee to provide any inputs to him as soon as possible.

5 **IMSO WEBSITE**

The Committee noted document AC/17/5, and noted that, following comments and queries from various Parties, it is recognized that the efficient operation of the IMSO website, including a facility for Parties to access documentation on-line, is now a priority. The Committee noted that the IMSO Website was set up in June 2005, and that the contents of the files available on the site needed to be reviewed. However there had been insufficient time to develop the website due to workload. Informal advice from experts in the field has indicated that a sum of £6,000 during 2007 and £1,000 thereafter annually should be sufficient and the sum of £6,000 has accordingly been included in the draft 2007 budget.

During a brief discussion, some delegations expressed the hope that the web site would eventually provide a message board facility on which they could post comments and conduct discussion of relevant issues.

6 **ACCOUNTS FOR 2006 AND DRAFT BUDGET FOR 2007**

6.1 **Accounts for 2006**

6.1.1 Under item 2.1(a) of its Terms of Reference, members of the Advisory Committee were requested to give their guidance and advice to the Director on the provisional financial accounts for financial year 2006 (columns (1), (2) and (3) of Annex IV refer). The Committee noted the 2006 interim accounts and that, based on current projections, the budget for 2006 will be underspent by approximately £766:

A detailed explanation of the out-turn of each budget line was presented to the Committee in document AC/17/6.

6.1.2 The Committee noted that, in accordance with the Organization's usual financial practice, the Auditors will audit the accounts during the week commencing 19 February 2007.

6.2 **Draft Budget for 2007**

6.2.1 The Committee discussed at length the proposed budget for 2007 which was presented by the Director, details of which were set out in document AC/17/6.

6.2.2 The Director informed the Committee that, apart from the costs related to the Extraordinary Session of the IMSO Assembly to be held on 5 and 6 March 2007, this draft Budget does not take into account the financial consequences of the decisions of IMO MSC 82 inviting IMSO to undertake the oversight of future satellite providers in the GMDSS forthwith, to formally appoint IMSO as the LRIT Coordinator, and to take action to ensure the timely implementation of the LRIT System. Illustrative examples of the staffing requirements, administrative and budgetary implications of extending the Organization's mandate were provided to the Sixteenth Session of the Committee and to the Eighteenth Session of the Assembly (ASSEMBLY/18/11.1).

6.2.3 The draft Budget proposed by the Director totals £719,762. When compared with the unaudited out-turn for 2006, an increase of £179,843 arises (approximately 33 percent), the reasons for which were discussed in document AC/17/6.

6.2.4 The Committee undertook a wide-ranging and detailed discussion of the proposed Budget for 2007. Noting concerns expressed by Inmarsat concerning the aggregate level of the proposal, the Committee conducted its discussion in the context of:

- (a) the functions of the Director approved by the Assembly;
- (b) the formal approval procedure for the Budget adopted by the Assembly at its Sixteenth Session;
- (c) Article 10 of the IMSO Convention: Costs; and

- (d) Article 15 of the Public Services Agreement between IMSO and Inmarsat: Costs of the Secretariat.

6.2.5 In considering the 2007 draft Budget as proposed by the Director, the following general comments were made:

- (a) the breakdown of the salary and remuneration packages for the Director-Elect and existing staff was welcomed; however, it would be useful also to see a breakdown of the travel and meeting budgets;
- (b) there was no intention on the part of the Committee to micromanage the budget, also so noted by Inmarsat, or limit the activities of the Director;
- (c) time spent by the Secretariat on LRIT matters has up until now been covered within the budget which is paid by Inmarsat with the agreement of the Company to cover a limited amount of time, or from the private resources of staff members;
- (d) the Director should prepare a budget which separates accounting for GMDSS and LRIT, and apportions the general Headquarters costs proportionately between these two business streams; this Budget should be available to inform the extraordinary Assembly and should be seen by the Advisory Committee at its next session; this revised Budget should run from the anticipated date of implementation of the LRIT amendment; and
- (e) Inmarsat is obliged under the Convention and the Public Services Agreement to pay the operational costs of IMSO at an annual amount of 300,000 pounds sterling, adjusted for inflation, and to enter into good faith negotiations with IMSO to consider additional funding requirements of IMSO;
- (f) when there are multiple providers, it may not be possible to enter into this level of negotiation with each of them; and
- (g) IMSO should not pool its budget resources when line items are exceeded or fall short, but should restrict each line item to the

amount apportioned to it, which will gain more importance as GMDSS and LRIT cost separation begins.

6.2.6 The Committee noted that the financial consequences of the decisions of IMO MSC 82 inviting IMSO to undertake the oversight of future satellite providers in the GMDSS forthwith, to formally appoint IMSO as the LRIT Coordinator, and to take action to ensure the timely implementation of the LRIT System, would be discussed at the Extraordinary Session of the Assembly to be held on 5 and 6 March 2007.

6.2.7 The Director indicated that, as for the Director-elect, any new staff appointed for LRIT would be recruited under the UN system. It was, therefore, his intention to align current staff to this system and to promote the Head of Technical Services to Deputy Director at D2 level and the Head of Administrative Services to P5. It was anticipated that three new staff would be recruited in relation to LRIT, at P5, P4 and G grades. As indicated in paragraph 6.2.6, the financial consequences of any new staff or changes in the contracts of current staff were not contained in the 2007 budget. The Committee did not discuss staff expansion and related costs.

6.2.8 The Committee agreed that:

- (a) the Retail Price Index (RPI) as at November 2006 of 3.9 percent, as published by the UK Government National Statistics, should be used as a benchmark, especially for salaries for the 2007 Budget;
- (b) the basic salaries of all current members of the Secretariat should be increased by 3.9 percent RPI plus an additional 2 percent for progression, at the Director's discretion, noting that the term of office of the current Director would terminate on 14 April 2007; and
- (c) the RPI as at November of each year should also be used in the preparation of future budgets.

6.2.9 The Committee noted that Inmarsat has concerns with the aggregate budget proposed by the Director, but would be prepared to accept a total 2007 budget set at the same level as for 2006 (£540,585) plus retail price index of 3.9% plus 50 percent of the one-off costs of £65,700 and that this would proportionately run up until 14 April 2007 only or such effective date

as LRIT shall be approved by the Assembly to take effect, in the expectation that the Assembly would discuss and approve revised budgetary arrangements for the rest of the year, in the light of any decisions it may take with respect to LRIT, which would reduce the current GMDSS budget levels as there would be an apportionment of costs. This would amount to £196,670 for the period concerned.

6.2.10 In this regard, the Committee noted that IMSO has important existing contractual obligations to be paid before 14 April 2007, relating to insurances, as well as the actual costs for the Assembly Session and two sessions of the Advisory Committee. The Committee noted that the Accountant considered that the Auditors would find a short term budget unacceptable because it provides no assurance that the Organization is a “going concern” i.e. that there is a viable future and that it is going to continue; these concerns would likely be indicated in the Notes to the Financial Statements.

6.2.11 In addition, the Committee noted that IMSO is already contractually committed in relation to payments to the Director-Elect in accordance with his contract signed during the Eighteenth Session of the Assembly.

6.2.12 The Committee noted that, based on the budget proposed by the Director, the sum of £225,080 would be needed, as a minimum, to cover the Organization’s costs until 14 April 2007.

6.2.13 The Committee agreed that the one-off costs for 2007 of £65,700 should be separated out from the operating budget and any amounts not expended from these one-off costs should be returned to Inmarsat.

6.2.14 The Committee agreed:

- (a) in principle, with the 2007 operational budget of £652,761,
- (b) to advise the Director to continue to discuss the budget with Inmarsat, with the intention of reaching a mutually satisfactory conclusion prior to the next session of the Committee in February and the Extraordinary Session of the Assembly in March; and

- (c) to advise the Director to submit the outcome of the discussions to the next Session of the Committee, at least one week before the start of the meeting for its final agreement.

6.2.15 The Committee also agreed with the one-off costs for 2007 of £65,700. Based on the above, the Committee therefore requested Inmarsat to provide IMSO with the amount of £225,080 forthwith as an initial payment to cover expenses anticipated up to 14 April 2007.

6.2.16 The Committee noted that Inmarsat offered to make an interim payment of £225,080 even though it exceeded the proportion as set out in its proposal noted under paragraph 6.2.9 above, on the condition that its future payments in 2007 would be subsequently reviewed in the light of decisions taken by the Assembly.

6.2.17 The Committee noted that it will discuss the 2007 budget again, including budget apportionment, at its next session. The Committee also noted that the Assembly will consider the financial arrangements for the LRIT budget at its Extraordinary Session in March 2007, following any decisions of the Assembly in this regard.

7 ANY OTHER BUSINESS

7.1 Possible Relocation of IMSO Headquarters

The Committee noted information provided by the Director that it would be appropriate for the IMSO Headquarters to relocate when new service providers are accepted by IMO. In this regard, he had been in discussions with the IMO Secretariat regarding the possibility of relocating IMSO headquarters to the IMO Headquarters building following completion of phase two of its refurbishment.

7.2 Nineteenth (Extraordinary) Session of the IMSO Assembly

7.2.1 The Committee noted that the Nineteenth (Extraordinary) Session of the Assembly will be held at IMSO Headquarters on 5 and 6 March 2007, the main agenda item for which will be the provisional application of the amendments adopted at the Eighteenth Session of the Assembly. The

Committee urged Parties to consult with each other and with treaty interpretation experts in their capitals to prepare themselves for fruitful discussions on provisional application. It was anticipated that the amendments to the Convention adopted at the Eighteenth Session of the Assembly would be circulated by the Depository of the Convention, the Secretary-General of IMO, in early February 2007.

7.2.2 The Director reminded the Committee of the need for original Credentials to be submitted in advance of the Session.

7.2.3 The Committee suggested that Parties should consult among themselves to informally agree on an appropriate Chairman for the Assembly, consistent with the decisions of the Eighteenth Session of the IMSO Assembly on geographic rotation.

7.3 **Next Session of the Advisory Committee**

7.3.1 The Committee agreed that its next meeting would be held on Monday and Tuesday 26 and 27 February 2007.

7.3.2 The Committee noted that it was important that documents are submitted to meetings of the Committee at least one week before the start of each meeting.

8 **APPROVAL OF THE REPORT**

The Meeting approved the Report of its Seventeenth Session, by correspondence.

**AGENDA FOR THE SEVENTEENTH SESSION
OF THE IMSO ADVISORY COMMITTEE
15 – 16 January 2007**

Opening of the Meeting

1. Approval of Agenda
 2. Outcome of the Sixteenth Session of the Advisory Committee
 3. Outcome of the Eighteenth Session of the IMSO Assembly
 4. Outcome of the eighty-second session of IMO Maritime Safety Committee (MSC)
 5. IMSO Website
 6. Draft Budget for 2007
 7. Any Other Business
 8. Approval of Report
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LIST OF PARTICIPANTS

BRAZIL	Mr José Bartos Mollica Agencia Nacional de Telecomunicacoes ANATEL
CHILE	Lieutenant Commander Carlos Salgado Alternate Permanent Representative of Chile to IMO
CYPRUS	Mr. George Demetriades Alternate Permanent Representative of the Republic of Cyprus to IMO, Counsellor (Maritime Affairs) Head of Maritime Section Cyprus High Commission, London Ms Dspina Lada Adviser, Legal Affairs Cyprus High Commission, London
FRANCE	Mr Michel Babkine Organisme d'étude et de coordination pour la recherche et le sauvetage en mer (SECMER)
GREECE	Captain Efthimios Limberopoulos Hellenic Maritime Attache & Maritime Embassy of Greece, London
HUNGARY	Mr Ferenc Viragh Counsellor for Economic Affairs Hungarian Embassy, London Mr. László Magócsi Science and Technology Attaché Hungarian Embassy, London
INDIA	Mr Ashok Kumar Das SR DDG (SU) Department of Telecommunication

ITALY

Rear Admiral Giancarlo Olimbo
Maritime Attaché
Italian Embassy, London

JAPAN

Mr Norifumi Yamaguchi via conference call
Deputy Director
International Organizations Office
International Affairs Department
Telecommunications Bureau
Ministry of Internal Affairs and Communications

Mr Yoshiyuki Kato via conference call
International Science Cooperation Division
Foreign Policy Bureau
Ministry of Foreign Affairs

Ms Kazuko Maruyama via conference call
Assistant Director
International Organizations Office
International Affairs Department
Telecommunications Bureau
Ministry of Internal Affairs and Communications

Mr Shuji Yamaguchi
First Secretary
Embassy of Japan, London

KENYA

Mr Kiboi Waituru
Second Secretary
Kenya High Commission, London

LIBERIA

Mr George M. Arku
Permanent Representative of Liberia
to IMO

Mrs Armena Richards
Researcher/Analyst
Liberian Permanent Mission to the IMO, London

MALTA

Ms A.M. Sciberras
Counsellor, Maritime Affairs
Merchant Shipping Directorate
Malta High Commission, London

MARSHALL ISLANDS	Mr David J. F. Bruce Permanent Maritime Representative of the Republic of the Marshall Islands to IMO.
MEXICO	Mr José Marfil-Méndez Naval Attaché Embassy of Mexico, London
NIGERIA	Mr William Azuh (Chairman) Alternate Permanent Representative of Nigeria to IMO Nigerian High Commission, London
PANAMA	Mr Arsenio Dominguez (Vice-Chairman) Technical Adviser Embassy of Panama, London Ms Nimia Herrera Technical Adviser Embassy of Panama, London
PERU	Rear Admiral Oscar Penny Cabrera Naval Attaché Embassy of Peru Ms Elfy Rojas Second Secretary Embassy of Peru, London
RUSSIAN FEDERATION	Mrs Nadya Nesterenko Morsviazputnik
SPAIN	Mr Luis Sanz Gadea Subdirección General de Organismos Internacionales de Telecomunicaciones Y Sociedad de la Información Ministerio de Industria, Turismo y Comercio Captain Esteban Pacha Vicente Counsellor for Transport & Representative of Spain to IMO Embassy of Spain, London

Mr Manuel Nogueira Romero
Maritime Attaché
Embassy of Spain, London

TURKEY

Captain B. Sitki Ustagoglu
Alternate Permanent Representative
of Turkey to IMO

UNITED KINGDOM

Mr Gary R. Hunt
International Communications
Department of Trade and Industry

**UNITED STATES
OF AMERICA**

Mr Douglas May
Director for Technology and Security Policy
Department of State

Ms Diane Steinour via conference call
Office of International Affairs
National Telecommunications and Information
Administration
Department of Commerce

Mr G. Alex Weller
Attorney Advisor
Office of Maritime and International Law
US Coast Guard

Mr Larry Solomon
Spectrum Management Counsel
US Coast Guard

OBSERVERS

BAHAMAS

Ms Judith Francis
Bahamas High Commission, London

PORTUGAL

Ms Cristina Lourenço via conference call

INMARSAT

Mrs Alison Horrocks
Company Secretary

Mr Nick Rowe
General Counsel

Mr Brian Mullen
Manager, Safety Services

IMSO

Mr Jerzy W. Vonau
Director

Mr Andy Fuller
Head of Technical Services

Ms Jenny Ray
Head of Administrative Services

Mr Christophe Lerck
Mazars Accountant

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 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 **and Vice-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, **except that a quorum for future meetings for the Advisory Committee should be seven countries.**

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.

BUDGET FOR THE YEAR ENDING 31 DECEMBER 2007 AGREED IN PRINCIPLE BY THE ADVISORY COMMITTEE					
		(1)	(2)	(3)	(4)
		2006			2007
		Actual	Budget	Variance	Budget
<u>SALARIES + EMOLUMENTS</u>	Salaries	214,162	211,650	(2,512)	217,776
	Post adjustments	0	0	0	35,310
		214,162	211,650	(2,512)	253,086
<u>ALLOWANCES</u>	Non-residents			0	3,385
	Rental			0	20,071
	Dependant			0	2,115
	Education			0	29,142
	Mobility/hardship				0
		22,377	22,400	23	54,713
<u>EMPLOYER COSTS</u>	Pension			0	56,072
	Pension Admin			0	6,000
	Medical			0	20,805
	Life Assurance			0	6,955
	Disability			0	5,359
	Accident			0	597
	Office			0	1,479
	National Insurance			0	18,787
	Language Training			0	2,833
		99,232	92,000	(7,232)	118,888
<u>TOTAL SALARY COSTS</u>		335,771	326,050	(9,721)	426,687
<u>OFFICE MAINTENANCE</u>	Accounting/ Admin	13,193	15,000	1,807	15,000
	Audit Costs	4,009	2,500	(1,509)	4,000
	Printing + Copying	9,596	5,000	(4,596)	5,000
	Telephone+ Fax	1,842	2,000	158	2,250
	Postage	6,129	6,500	371	6,500
	Office Supplies	4,936	5,000	64	5,000
	IT Service charge	9,791	8,755	(1,036)	10,000
	Inmarsat Service	19,706	19,600	(106)	19,600
	Website + Logo	0	555	555	6,000
	Bank Charges	699	50	(649)	700
		69,901	64,960	(4,941)	74,050
<u>RENT OF PREMISES</u>		25,561	25,422	(139)	25,561

		(1)	(2)	(3)	(4)
		2006			2007
		Actual	Budget	Variance	Budget
<u>TRAVEL + HOSPITALITY</u>	Travel	19,604	34,000	14,396	42,600
	Hospitality	1,680	3,000	1,320	3,000
	Parking	1,146	2,000	854	2,000
	congestion Fee	2,071	2,400	329	2,400
		24,501	41,400	16,899	50,000
<u>MEETINGS</u>	Assembly	59,191	45,000	(14,191)	38,600
	Advisory committee	9,447	12,500	3,053	20,000
	Translations	1,147	5,000	3,853	5,000
	Interpretations	14,400	15,000	600	6,400
		84,185	77,500	(6,685)	70,000
<u>TOTAL OPERATIONAL EXPENDITURE</u>		539,919	535,332	(4,587)	646,298
<u>CONTINGENCY AT 1%</u>		0	5,353	5,353	6,463
<u>TOTAL OPERATIONAL BUDGET</u>		539,919	540,685	766	652,761
<u>2007 ONE OFF COSTS</u>	Removal			0	15,000
	Assignment Grant			0	35,000
	Relocation			0	2,000
	Home leave			0	0
	Repatriation			0	13,700
		0	0	0	65,700
<u>TOTAL BUDGET</u>		539,919	540,685	766	718,461