

S198

International Mobile Satellite Organization

ASSEMBLY

Nineteenth (Extraordinary) Session

5 – 6 March 2007

ASSEMBLY/19/8

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Date: 8 March 2007

**RECORD OF DECISIONS OF THE NINETEENTH (EXTRAORDINARY) SESSION OF
THE ASSEMBLY
OF THE INTERNATIONAL MOBILE SATELLITE ORGANIZATION**

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SESSION OF THE ASSEMBLY
OF THE INTERNATIONAL MOBILE SATELLITE ORGANIZATION**

OPENING OF THE SESSION

The Nineteenth (Extraordinary) Session of the Assembly of the International Mobile Satellite Organization (IMSO) was held at IMSO Headquarters, London, on 5 and 6 March 2007. The Extraordinary Session had been convened by the Director under Article 6(2) of the IMSO Convention and Rule 2(d) of the Rules of Procedure for the Assembly. Under Rule 11 of the Rules of Procedure, the Session was opened by the Chairman of the Eighteenth Session, Mr Andreas Chrysostomou of Cyprus.

AGENDA ITEM 1: ELECTION OF THE CHAIRMAN AND VICE-CHAIRMEN

Reference: ASSEMBLY/19/1

- 1.1 The Assembly recalled that, at its Eighteenth Session, it had requested the Advisory Committee to discuss and recommend amendments to the Rules of Procedure to cover procedures for the election of Chairman and Vice-Chairmen of the Assembly, Credentials Committee and Advisory Committee, to accomplish this goal. The Advisory Committee will report on this matter to the next regular session of the Assembly.
- 1.2 The Assembly **DECIDED**, under Rule 10 of the Rules of Procedure for the Assembly, to elect Mr Neil Frank Ferrer of the Philippines as Chairman of the Nineteenth (Extraordinary) Session, by acclamation.
- 1.3 The Assembly **DECIDED** to elect Captain Giancarlo Olimbo of Italy, Captain Carlos Salgado of Chile and Captain Arnett Hill of Liberia, as Vice-Chairmen of the Assembly, by acclamation.
- 1.4 The Assembly **DECIDED** to express its appreciation to Mr Andreas Chrysostomou of Cyprus for the excellent manner in which he had chaired the Seventeenth and Eighteenth Sessions of the IMSO Assembly.

AGENDA ITEM 2: ADOPTION OF THE AGENDA

Reference: ASSEMBLY/19/2

- 2.1 The Assembly **DECIDED** to adopt the Provisional Agenda prepared by the Director; the Agenda, as adopted, the list of documents issued to the Nineteenth (Extraordinary) Session and the list of participants are attached at Annexes I, II and III, respectively, to this Record of Decisions.

AGENDA ITEM 3: CREDENTIALS COMMITTEE

References: ASSEMBLY/19/3
ASSEMBLY/19/3.1

- 3.1 As provided under Rule 7 of the Rules of Procedure for the Assembly, the Assembly **DECIDED** to elect, by acclamation, a Credentials Committee, composed of Representatives from Bahamas, Czech Republic, Japan, Liberia, Senegal and South Africa. The Credentials Committee was requested to examine the Credentials of delegations of Parties participating in the Nineteenth (Extraordinary) Session of the Assembly, and report to the Assembly.
- 3.2 The Assembly **NOTED** the Report of the Credentials Committee (ASSEMBLY/19/3.1), and that the Committee met on 5 and 6 March 2007, under the chairmanship of Captain Armett Hill of Liberia. The Committee examined the communications received.
- 3.3 The Assembly **NOTED** that the Credentials of the following 56 (fifty-six) Parties listed below were in order:

Algeria	Argentina	Bahamas
Bangladesh	Belgium	Canada
Chile	China	Colombia
Croatia	Cuba	Cyprus
Czech Republic	Denmark	Finland
France	Germany	
Greece	Hungary	Indonesia
Italy	Japan	Kenya
Latvia	Liberia	Malaysia

Malta	Marshall Islands	Mauritius
Mexico	Monaco	Morocco
Netherlands	Nigeria	Norway
Oman	Panama	Peru
Philippines	Poland	Portugal
Romania	Russian Federation	Senegal
Slovak Republic	South Africa	Spain
Sweden	Switzerland	Thailand
Turkey	Ukraine	United Kingdom
United States of America	Venezuela	Vietnam

- 3.4 The Assembly also noted that the International Maritime Organization, the European Commission and CIRM attended the Nineteenth (Extraordinary) Session, as Observers.
- 3.5 The Assembly further noted that the representatives of Inmarsat Group Holdings Limited also attended the Nineteenth (Extraordinary) Session of the Assembly, in accordance with Rule 6 of the Rules of Procedure of the Assembly.
- 3.6 The Assembly **NOTED** that Venezuela became Party to the IMSO Convention on 27 April 2005, bringing the total membership of the Organization to 89. The Assembly welcomed the representative of the Party of Venezuela who attended this Session of the Assembly.

**AGENDA ITEM 4: RELATIONSHIP WITH OTHER INTERNATIONAL
 ORGANIZATIONS**

References: ASSEMBLY/19/4
 ASSEMBLY/19/4.1

The Assembly **NOTED** ASSEMBLY/19/4 and ASSEMBLY/19/4.1 “Relationship with other International Organizations”.

4.1 International Hydrographic Organization (IHO)

4.1.1 The Assembly **NOTED** that, at its Eighteenth Session, the Assembly had approved the text of an Agreement of Cooperation between the International Hydrographic Organization (IHO) and IMSO, and authorized the Director to sign the Agreement (paragraph 13.4 and Annex XV of ASSEMBLY/18/Record of Decisions refer).

4.1.2 The Assembly **NOTED** that the Agreement of Cooperation was signed on 5 December 2006 by the President of the Directing Committee for IHO and the IMSO Director.

4.2 European Commission

4.2.1 The Assembly noted that the Director has received an informal enquiry from the European Commission regarding the possibility of an Agreement of Cooperation or Memorandum of Understanding being executed with IMSO. Such Agreement would include, *inter alia*, inviting the European Commission to attend Sessions of the IMSO Assembly, as an Observer, on a reciprocal basis, in accordance with Rule 5 of the Rules of Procedure of the Assembly.

4.2.2 The Assembly **NOTED** that the Director intends to continue discussions with the European Commission with the intention of negotiating an appropriate Agreement of Cooperation with the European Commission, for approval at a future session of the Assembly.

4.2.3 The Assembly **DECIDED** to invite the European Commission to attend:

- (a) future Sessions of the Assembly, as an Observer, on a reciprocal basis, in accordance with Rule 5 of the Rules of Procedure of the Assembly; and
- (b) this Session of the Assembly, as an Observer, in accordance with Rule 5 of the Rules of Procedure of the Assembly.

4.2.4 The Assembly **NOTED** that the European Commission may not be able to offer full reciprocity to IMSO until the Agreement is signed, and that the Director will clarify this matter and report thereon to Parties and to next regular session of Assembly.

4.3 **CIRM**

4.3.1 The Assembly **NOTED** that the Director has received an informal enquiry from the Comité International Radio-Maritime (CIRM) regarding the possibility of an Agreement of Cooperation or Memorandum of Understanding being executed with IMSO. Such Agreement would include, *inter alia*, inviting CIRM to attend Sessions of the IMSO Assembly, as an Observer, on a reciprocal basis, in accordance with Rule 5 of the Rules of Procedure of the Assembly.

4.3.2 The Assembly **NOTED** that a draft text of an Agreement of Cooperation with CIRM has been informally agreed between the Secretary-General of CIRM and the IMSO Director.

4.3.3 The Assembly **DECIDED** to invite CIRM to attend:

- (a) future Sessions of the Assembly, as an Observer, on a reciprocal basis, in accordance with Rule 5 of the Rules of Procedure of the Assembly; and
- (b) to invite CIRM to attend this Session of the Assembly, as an Observer, in accordance with Rule 5 of the Rules of Procedure of the Assembly.

4.3.4 The Assembly **DECIDED**:

- (a) to approve the text of an Agreement of Cooperation between CIRM and IMSO, as set out in Annex IV to this Record of Decisions; and
- (b) to authorize the Director sign the Agreement of Cooperation with CIRM.

4.3.5 The Assembly **NOTED** that the Agreement of Cooperation with CIRM was signed on 6 March 2007 by the Secretary-General of CIRM and the IMSO Director.

4.4 **Admission of Observers to the Assembly and Advisory Committee**

4.4.1 The Assembly **NOTED** that, under Rule 5(b)(3) of the Rules of Procedure of the Assembly, admission of an organization as observer may be limited to a particular meeting or agenda item. The Director indicated that observers may also be invited to meetings of the Advisory Committee, as appropriate.

4.4.2 The Assembly **DECIDED** to request the Advisory Committee to consider this in the context of its review of the Rules of Procedure requested at the Eighteenth Session of the Assembly.

AGENDA ITEM 5: GLOBAL MARITIME DISTRESS AND SAFETY SYSTEM (GMDSS)

5.1 **Outcome of IMO MSC 82**

5.1.1 The Assembly **NOTED** information from the Director regarding the outcome 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, in relation to the revision of IMO Assembly resolution A.888(21) on *Criteria for the provision of mobile-satellite communication systems in the Global Maritime Distress and Safety System (GMDSS)* and consequential amendments to SOLAS Chapter IV.

5.1.2 The Assembly **NOTED** that MSC 82 had decided in principle as follows:

- (a) applications from a new satellite provider by a Member State should be submitted to MSC;
- (b) the evaluation of the potential satellite provider should be undertaken by MSC through an appropriate mechanism according to the provisions of resolution A.888(21);
- (c) the recognition of the satellite provider to operate in the GMDSS should be undertaken by MSC on the basis of evaluation by an appropriate mechanism; and
- (d) the oversight, as decided by MSC 77, in all its context, should be undertaken by IMSO.

5.1.3 The Assembly further **NOTED** that IMO COMSAR 11 had finalized the resolution and submitted it to MSC 83 with a view to adoption by the IMO Assembly at its twenty-fifth session later in 2007; and that consequential amendments to SOLAS Chapter IV would be circulated after COMSAR 11 in accordance with SOLAS article VIII(i) with a view to approval by MSC 83.

5.2 **Reference Public Services Agreement (PSA)**

5.2.1 The Assembly **NOTED** the text of the draft Reference Public Services Agreement which had been amended to take into account the revisions to IMO Assembly Resolution A.888. This version, except for some minor editorial amendments, had previously been submitted to the Assembly as ASSEMBLY/18/5/ADD/4.

5.2.2 The Assembly **NOTED** information provided by the Director that, at its Assembly Session in December 2007, it is expected that the IMO Assembly will adopt the final text of Resolution A.888. The Advisory Committee will then review the text of the reference Public Services Agreement to ensure it is in line with Resolution A.888, which will then be submitted to the IMSO Assembly for approval. Once approved, the reference

Public Services Agreement will be used as the basis for Public Service Agreements with all GMDSS providers.

AGENDA ITEM 6: LONG RANGE IDENTIFICATION AND TRACKING OF SHIPS (LRIT)

6.1 Outcome of IMO MSC 82

The Assembly **NOTED** information from the Director regarding the outcome 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; in particular that the MSC had :

- (a) approved Interim LRIT Technical Specifications and other matters;
- (b) 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 Committee also invited IMSO to submit a paper to its next session giving a detailed analysis of how it intended to undertake the role;
- (c) any necessary contingency plan for SOLAS Contracting Governments should be under the purview and be the responsibility of IMSO; and
- (d) noted that the relevant provisions of the functions of the LRIT Co-ordinator in the Performance Standards permitted the LRIT Co-ordinator to recover the costs of its services, and that, in that respect, only the funding of start-up costs would be necessary.

6.2 Measures required to fulfil the functions of the LRIT Co-ordinator

The Assembly **NOTED** information from the Director on LRIT start up funding, the planned LRIT fee structure, the LRIT business plan, the functions of the LRIT Co-ordinator, and the budgetary implications. The Assembly **NOTED** information on the illustrative LRIT budget contained in the Report of the Eighteenth Session of the Advisory Committee.

The Assembly **NOTED** that the Director will continue to refine the Budget for LRIT, will endeavour to find appropriate sources of funding for the start up of LRIT, and will report on a regular basis to the Advisory Committee on all aspects of LRIT.

AGENDA ITEM 7: PROVISIONAL APPLICATION OF THE AMENDMENTS TO THE IMSO CONVENTION ADOPTED AT THE EIGHTEENTH SESSION OF THE IMSO ASSEMBLY

Reference: ASSEMBLY/19/7

- 7.1 The Assembly **NOTED** that, at its Eighteenth Session, the Assembly adopted amendments to the IMSO Convention relating to Global Maritime Distress and Safety System (GMDSS) and Long Range Identification and Tracking of Ships (LRIT) (ASSEMBLY/18/Record of Decisions, paragraphs 4.1.2 and 4.2.7 and Annexes IV to VII refer). At that Session, the Assembly also decided that “in the event that the IMO MSC appoints IMSO as the LRIT Co-ordinator, the Director will convene, in accordance with the Convention, an extraordinary session of the Assembly to consider the measures required to fulfil the function” (paragraph 4.2.10). The amendments will be circulated by the Depositary of the Convention, the Secretary-General of the International Maritime Organization (IMO), in early February 2007.
- 7.2 The Assembly **NOTED** information provided by the Director that “rapid implementation”, as provisional application was referred to in the history of Inmarsat, was previously used in amending the Inmarsat constituent instruments, including the Convention. The Director considered that simple continuity with the well established institution of provisional application in the history of the Organization before and after privatization is the only appropriate way to deal with the present GMDSS and LRIT amendments to the Convention to ensure, in particular, that LRIT is implemented on time, beginning on 1 January 2008. The Director therefore recommended, in order that the Organization is ready to meet the expectations of IMO in relation to the oversight of GMDSS satellite operators which are or may be approved by that Organization, and to its appointment as LRIT Co-ordinator, that the Assembly decides that the amendments to the IMSO Convention adopted at the Eighteenth Session of the Assembly should enter into force

on the basis of provisional application, pending their formal entry into force in accordance with Article 18 of the IMSO Convention.

7.3 The Assembly **NOTED** that an overwhelming majority of delegations supported the provisional application of the amendments from 7 March 2007. However, some delegations indicated that they were unable to support provisional application.

7.4 The Assembly **NOTED** the following statements made by Parties represented at the Nineteenth (Extraordinary) Session of the Assembly:

Annex V	Canada
Annex VI	Colombia
Annex VII	Malaysia
Annex VIII	Mexico
Annex IX	Portugal
Annex X	Russian Federation
Annex XI	Switzerland
Annex XII	United States of America
Annex XIII	Indonesia
Annex XIV	Turkey

7.5 The Assembly **DECIDED** that the amendments to the IMSO Convention adopted at the Eighteenth Session of the Assembly should enter into force on the basis of provisional application from 7 March 2007, pending their formal entry into force in accordance with Article 18 of the IMSO Convention.

7.6 The Assembly **NOTED** that such provisional application would mean that Parties will conduct themselves, in their relationships with each other and the Organization, within the limits allowed by their national constitutions, laws and regulations, as if the amendments were in force with effect from such date.

7.7 The Assembly **DECIDED** to urge all Parties to use their best endeavours to accept the amendments in accordance with Article 18 of the IMSO Convention as soon as possible so as to expedite their formal entry into force, and to request the Director to exert his best efforts to assist IMSO Parties as appropriate to expedite the entry into force of the amendments.

- 7.8 The Assembly also **DECIDED** that the Organization may assume the functions and duties of the LRIT Co-ordinator with effect from 7 March 2007, at no cost to Parties, in accordance with decisions of IMO, where Article 4 of the amended Convention will be applied on a provisional basis.
- 7.9 The Assembly **NOTED** a proposal made by the United States that the Assembly should consider a draft Resolution or further amendments to the Convention in order to cover the LRIT functions to be carried out by IMSO as well as financing of LRIT. Several Parties expressed the need for further amendments to the Convention to address this issue, while others considered that the principles could be taken care of in an Assembly Resolution, which could be developed by the Advisory Committee.

AGENDA ITEM 8: ADOPTION OF THE RECORD OF DECISIONS OF THE ASSEMBLY

- 8.1 The Assembly **DECIDED** to express its appreciation to Mr Jerzy W. Vonau, who had been Director of IMSO since April 1999 and wished him a long and happy retirement.
- 8.2 The Assembly **DECIDED** to adopt the record of decisions at the Nineteenth (Extraordinary) Session.
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