




To: Contracting Parties to the International Agreement on the use of INMARSAT Ship Earth Stations within the Territorial Sea and Ports ("*SES Agreement*")
IMSO Member States that are not Contracting Parties to the SES Agreement
Contracting Governments to the International Convention for the Safety of Life at Sea, 1974 that are neither Contracting Parties to the SES Agreement, nor IMSO Member States
Recognised Satellite Service Providers
IMO and IMSO Observers

From: IMSO Director General 

Subject: New Date of the International Conference of Contracting Parties to the International Agreement on the use of INMARSAT Ship Earth Stations within the Territorial Sea and Ports

Date: 10 March 2021

Reference: IMSO/CL/009

INFORMAL PREPARATORY MEETING FOR THE SES CONFERENCE

- 1 The Director General refers to Circular Letter – IMSO/CL/008 dated 16 February 2021 on the New Date of the International Conference of Contracting Parties to the International Agreement on the use of INMARSAT Ship Earth Stations within the Territorial Sea and Ports.
- 2 As mentioned in the afore-mentioned letter, an informal preparatory meeting for the SES Conference is scheduled on **29 March 2021 from 11:00 to 13:00 UTC** on Microsoft TEAMS platform. The details of this informal preparatory meeting are provided in the attachment.
- 3 The Director General avails himself of this opportunity to convey the assurance of his highest consideration.

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INFORMAL PREPARATORY MEETING FOR THE SES CONFERENCE (29 MARCH 2021) on Microsoft TEAMS

Background

The Director General facilitated interactive discussions through SES Briefing sessions, which were held remotely on Microsoft TEAMS from 8 to 10 September 2020. The sessions were attended by representatives from 40 out of 49 Parties to the SES Agreement as well as other States and observers, in preparation for successful deliberations at the SES Conference.

As briefed in the SES Briefing last year, **the SES Agreement does not contain any provisions on amendment and termination in itself**. In this case, the basic principles prescribed in the Vienna Convention on Law of Treaties, 1969 (“Vienna Convention”) shall be applied. In accordance with Article 39 and 54 of the Vienna Convention, all 49 Parties shall conclude amending or terminating the SES Agreement. However, obtaining a conclusion by all 49 Parties for *amendment* or *termination* is highly unlikely, taking into account that almost 30 years were needed to reach this number of Parties.

The easier ways are to apply *modification* based on Article 41 of the Vienna Convention, or to develop a *protocol* based on Article 30 of the Vienna Convention to make it effective with a smaller number of Parties. However, there are limitations to apply *modification* as prescribed in Article 41 of the Vienna Convention. The development of a *protocol* requires many years to reach an agreement and to make it enter into force. It looks there is no easy way to go forward from legal perspectives.

The required changes in the SES Agreement to accommodate the additional GMDSS mobile satellite providers will not be so complicated. Changes will be deletions or replacements of terms “INMARSAT” in the body of the SES Agreement.

Therefore, the Director General would like to hear frank opinions at this informal preparatory meeting from the Parties to the SES Agreement and others to go forward among 4 options: *amendment*, *termination*, *modification*, or *protocol*.

Please note that this meeting is informal nature to exchange views, which will not make any official decisions.

Date, time and venue

29 March 2021 from 11:00 to 13:00 UTC on Microsoft TEAMS platform (English only)

Registration and Microsoft TEAMS invitations

Please register at our “Online Registration” site on <https://imso.org/ses-conference/>. Microsoft TEAMS invitations will be sent to the registered participants.

Documentation

All relevant documents can be found at our “Meeting Documents” site on <https://imso.org/ses-conference/>.
