AP-41 WORKING GROUP
4th Report

Date: June 24, 2025 – Start time 08:00 AM ET
AP-41 WG Chairman: Mr. El Hadjar Abdouramane
Participants: see Annex I

<u>Agenda of the 4th meeting of AP-41 WG – June 24, 2025</u>

1. Adoption of the Agenda
2. Adoption of the 3rd Meeting Summary
3. Contribution from the Director General on the TORs 2, 4 and 6
4. Presentation of submitted contributions (TBC)
5. AOB
6. Closing remarks

1. Adoption of the Agenda

The Chairman, Mr. El Hadjar Abdouramane (Party of Cameroon), opened the meeting by welcoming the participants (see Annex I for the list of participants). The agenda highlighted above was presented and adopted without modification.

The Chairman provided brief opening remarks, noting that the group is progressing well. During the previous meeting, the group successfully addressed Terms of Reference (ToRs) 1, 3, and 5, and a meeting summary has been shared reflecting initial recommendations and some follow-up actions. He emphasized the importance of delivering timely results to decision-making bodies, particularly the upcoming interim report to the ITSO Advisory Committee (IAC).

The Director General (DG) thanked participants and noted steady progress. He acknowledged the Secretariat's ongoing support in preparing for the meetings and expressed special appreciation to the Chairman of the Assembly for attending, emphasizing that this reflects the importance of the discussions and ensures they reach high-level leadership in a timely manner.

2. Adoption of the 3rd Meeting Summary

The Chairman invited the meeting to share any comments on the draft third meeting report, noting that it had been shared with the members in advance.

The delegate from India, Ms. Revathi, requested clarification on a paragraph in the meeting summary where a statement was attributed to “the representative.” It was unclear who this referred to. After discussion, it was confirmed that the Chairman had made the statement. The text will be revised accordingly to replace “the representative” with “he,” clearly referring to the Chairperson.

Ms. Revathi raised a concern about the phrase “Intelsat has waived any of the Common Heritage frequency assignments.” She found the wording unclear and asked if it meant that Intelsat had not utilized those frequencies. The DG explained that the term “waived” is directly from Article XII(c)(ii) of the ITSO Agreement and it means that Intelsat is no longer utilizing the frequency assignments, either due to operational reasons or voluntary choice.

ITSO Legal Advisor, Mr. Maury Mechanick confirmed the DG’s interpretation, stating that “waived” implies “non-usage”, and such frequencies would eventually be suppressed and returned to the ITU for potential reassignment.

The meeting report was approved following the provided clarifications and explanations on the draft of the third meeting report.

3. Contribution from the Director General on the TORs 2, 4, and 6

The Director General stated that the document under consideration was a Secretariat contribution intended to initiate discussions on Terms of Reference 2, 4, and 6. He acknowledged that the Secretariat had hoped to receive additional inputs from the Parties to complement the draft but noted that none had been received.

The DG explained that, prior to circulation, the document had been shared with the Notifying Administrations to ensure alignment on key issues, given the relevance of the content to their responsibilities. In this regard, he thanked Mr. Doug May (USA) and Mr. Callum Gray (UK) for their feedback.

The document follows the agreed structure, covering scope, background, key issues, and recommendations.

ITSO Technical Advisor, Dr Julián Seseña presented the contribution on behalf of ITSO. He explained that Terms of Reference 2, 4, and 6 were grouped together because to some extent they are concerned on issues regarding the protection of the Parties' Common Heritage and Article XII (c) and XII (e). It was also noted that the proposals under TOR4 had been previously shared with the Frequency Working Party in order to gather additional perspectives and further enrich the discussions with their input.

TOR 2: **Taking into consideration recommendations of WG1 and WG2 approved by the AP-41, consider and make recommendations to enhance the collaboration between ITSO and the Notifying administrations that supports the implementation of Article XII (c) of the ITSO agreement**

Dr. Seseña summarized the issues under TOR 2 and noted that the scope of TOR 2 is to provide recommendations to enhance the collaboration between ITSO and the Notifying Administrations that support the implementation of Article XII(c) of the ITSO Agreement. It was clarified that Article XII(c) primarily concerns the authorization of frequency assignments by the Notifying Administrations to ensure compliance with the core principles. The Secretariat emphasized that the ultimate objective of the Parties' Common Heritage is to ensure that these core principles are upheld. In this context, the authorization of frequency assignments serves as a tool, allowing Notifying Administrations to grant usage rights to entities that have signed the PSA and have committed to fulfilling the core principles.

Dr. Seseña explained that the recommendations presented by the Secretariat under TOR 2 aimed to enhance collaboration between ITSO and the Notifying Administrations. He noted that the goal was to improve cooperation mechanisms, especially regarding access to and exchange of information on the use of the Parties' Common Heritage. He recalled that this issue had already been discussed during AP-40 Working Group 2, which had recommended closer alignment in this area. Strengthened coordination, he emphasized, would support monitoring compliance with the core principles and help anticipate regulatory changes to ITU space service procedures, which are updated every four years by WRCs and can impact the Common Heritage. Dr Seseña further reminded participants that in the decade following the 2001 transfer, ITU-R procedural revisions had been the main driver of changes to the Common Heritage, resulting, among others, in the loss of significant Ka-band spectrum resources.

The delegate from India, Ms. Revathi, emphasized the importance of agreeing with the proposed recommendations, highlighting three main points: *(i)* Continuous collaboration between ITSO and the Notifying Administrations is essential, and should be ensured, *(ii)* information exchange mechanisms between ITSO and the Notifying Administrations must be strengthened, including the formalization of timelines to enable effective implementation and *(iii)* inviting ITSO, in its capacity as an international organization, to participate in national preparatory meetings of Notifying Administrations for ITU, CITEL, and CEPT particularly for agenda items related to ITSO's interests and the Common Heritage orbital resources is crucial. She noted that this would allow ITSO to obtain first-hand information on ongoing discussions related to satellite-based agenda items such as WRCs´ Agenda Item **7**, rather than relying on second-hand sources.

Ms. Revathi also sought clarification on the definition of "lifeline countries", noting that it should be updated along with the indicators used to classify such countries in alignment with ITU standards. She inquired where exactly this update should be reflected, whether in the PSA agreement or within a broader framework. She emphasized the need to understand this better, particularly in the context of the recommendations being made by the working group under ToR 2. She further inquired whether the intention is for this update to be integrated within the ITU framework or specifically within the ITSO context, such as through the PSA agreement.

The DG commented on the request made by Ms. Revathi and noted that while the specific obligations on Intelsat regarding lifeline connectivity have expired, the principle of lifeline connectivity remains embedded in the main agreement. Therefore, it is important to establish a mechanism to ensure continued recognition of this principle, as the provision of services to lifeline connectivity countries constitutes one of the agreement's core principles. In this context, the DG stressed the need for a clear and shared understanding of what constitutes lifeline connectivity and how a lifeline country is defined. This clarity is essential to ensure that Intelsat, or any other operator, can properly interpret and fulfill their obligations under this core principle. The DG further explained that previous language in the document may have been too broad or ambiguous, prompting its refinement in the updated version of the document. The intention behind highlighting this point was to emphasize the importance of retaining this element in future work, as it is fundamental to the agreement's structure and values.

Mr. Callum Gray (the delegate from the Member State of the United Kingdom) raised a comment regarding Recommendation 2 in the contribution which addresses international preparatory meetings for the WRC, noting that, international organizations already have established channels to submit positions on WRC agenda items, as is the case with organizations like ICAO and IMO. He questioned the added value of the current recommendation, given that these mechanisms already exist for organizations like ITSO to contribute to WRC preparations. He further highlighted that ITSO's positions are already reflected in CEPT briefing materials, and that ITSO has a Letter of Understanding with the ECC, which enables its participation in such preparatory meetings. Therefore, he questioned what additional provisions or permissions the current draft recommendation under this item would offer beyond the mechanisms already in place for ITSO's involvement in WRC preparations.

The DG addressed Mr. Callum Gray's comments by outlining two key challenges related to ITSO's participation in WRCs and other ITU global conferences. First, he explained that there has long been uncertainty over what constitutes an "ITSO position" in such international forums. He recalled that previous meetings of the Assembly of Parties had raised the question of whether ITSO is authorized to present an official organizational position at these events. Second, he pointed to ITSO's limited ability to consistently participate in regional preparatory meetings for the WRC. Although ITSO regularly receives invitations and engages with regional groupings, there is currently no formal or uniform mechanism guaranteeing its participation across all regions. This inconsistency is particularly relevant when discussions involve the Notifying Administrations.

The DG emphasized that ITSO is seeking to establish a general understanding with the Notifying Administrations that would enable formal recognition of ITSO's role in regional meetings, especially when matters concerning the Common Heritage or relevant WRC agenda items, such as Agenda Item 7, are being discussed. He clarified that this issue is not confined to a single region or administration, but applies broadly to regional groups such as CEPT (e.g., the UK), CITEL (e.g., the US), and others. Such an arrangement, he stated, would allow ITSO to raise concerns, contribute substantively to preparatory discussions, and ensure that the interests of the Common Heritage and its associated frequency assignments are adequately represented. He concluded by expressing the hope that this understanding would be developed through the Working Group's ongoing efforts and ultimately recognized by the Assembly of Parties as an essential part of ITSO's engagement in international regulatory processes.

The Chairman sought clarification from the DG regarding Recommendation 1 in the contribution, specifically about establishing guidelines for the Notifying Administrations to respond to ITSO requests for specific information. The Chairman asked whether such guidelines are meant to be formal, meaning in the form of an official document, or if the goal is to establish a mutual understanding between the Notifying Administration and ITSO.

The DG clarified that the purpose of the recommendation was not to create a formal document but rather to establish a shared understanding between ITSO and the Notifying Administrations. He explained that while each administration already follows its own internal procedures for handling information requests, the goal was to gain insight into how these procedures work in practice. Citing examples such as the FCC and Ofcom, he noted that some regulators have internal guidelines for responding to specific information requests. In this context, the aim is to understand what procedures Notifying Administrations may follow beyond their obligations under the ITSO Agreement when responding to ITSO. He emphasized that this initiative is intended to improve communication, enhance the information-gathering process, and foster stronger collaboration. The outcome would be a general framework or informal summary of the practices ITSO hopes to see reflected in its engagement with Notifying Administrations.

The delegate from the United States, Mr. Doug May, addressed the issue of LCO countries, recalling that criteria were established at the time of privatization to determine eligibility for designation as LCO countries, and that countries had the opportunity to petition for such status. He noted that once the eligibility framework was set, ITSO had accepted specific obligations under its Agreement to provide service to these LCO countries. While the contractual and pricing protections linked to these obligations had since expired, the concept of LCOs remained an ongoing commitment under the ITSO Agreement. He cautioned that creating a new list of LCO countries should not be viewed as a simple or uncontroversial process and stressed that it could become a sensitive matter depending on the obligations expected for any newly designated LCO countries.

TOR 4: Assess the processes and mechanisms for the assignment and management of the Common Heritage, ensure its protection, and make appropriate recommendations for closer alignment between the work of ITSO and the Notifying Administrations

Dr. Seseña summarized the issues under TOR 4 and noted that the scope of TOR 4 is to provide recommendations to assess the processes and mechanisms for the assignment and management of the Common Heritage, ensure its protection, and make appropriate recommendations for closer alignment between the work of ITSO and the Notifying Administration.

The delegate from India, Ms. Revathi, expressed difficulty in reviewing the report on the Common Heritage, describing it as a voluminous document with an extensive analysis dating back to 2001. She noted that it was challenging to understand how the orbital resources were being used and allocated. She emphasized the need for a more concise version that would highlight key elements, enabling clearer insight into the evolution and current status of the Common Heritage. She acknowledged and appreciated the efforts of the ITSO Secretariat and the DG in addressing this concern.

In light of the concerns raised, the Chairman made two comments. First, he drew attention to a footnote in Section 3 of ToR 4 in the document under discussion, which outlines the main issues to be addressed under ToR 4 and emphasizes the importance of mobilizing the necessary resources to support the planned work. The Chairman further remarked that this footnote addresses a critical issue, that is, the need for ITSO to develop its own internal capacity in order to carry out effective monitoring. The Chairman questioned why such a significant point had been relegated to a footnote rather than incorporated into the main body of the document. He expressed appreciation to the Secretariat for identifying this matter, and emphasized that it should be clearly reflected and highlighted, as it relates to the practical implications that would arise should the recommendations be endorsed.

The Chair then raised a second point, referring to the indication in the document that the DG should propose a structure for the content of the extended semi-annual report to be submitted by the Notifying Administration. He noted that this process was not entirely new, as a similar recommendation had already been approved by the Assembly of Parties during the previous cycle. That earlier recommendation had called for an improvement in the content of the report to be agreed upon jointly by the Notifying Administration and the Executive Organ. The Chair hence questioned whether this was a process that was already underway, or whether it would only be initiated following a decision by AP-41 on the current recommendations and proposed measures set out in the document.

The DG responded to the Chairman's comment regarding the issue of resources. He acknowledged that the matter of mobilizing necessary resources was indeed a cross-cutting issue that affects multiple ToRs. Thus, the DG noted that it should be reflected accordingly in the Working Group's report as a recommendation with broad relevance and impact. He agreed with the Chair's observation that such an important issue should not be limited to a footnote, and affirmed that the point was valid and well taken. On the second issue regarding the revision of the semi-annual report structure, the DG noted that a recommended structure already existed.

However, discussions between ITSO and the Notifying Administrations had not yet been completed to finalize that structure.

TOR 6：Identify the circumstances under which unused Common Heritage orbital locations could be suppressed and make recommendations for re-assignment to other operators.

Dr. Seseña summarized the issues under TOR 2 and noted that the scope of ToR 6 is to provide recommendations to ensure that circumstances in which Common Heritage orbital locations and associated frequency assignments that are in jeopardy of suppression are fully and timely disclosed to ITSO, so as to afford the Notifying Administration the ability to license or authorize another satellite operator to utilize those resources, and ITSO, the ability to enter into a PSA with that satellite operator in a manner consistent with Article XII(c)(ii) of the ITSO Agreement.

The Chair raised a comment regarding Potential Recommendation 3 under TOR 6, which suggests establishing a procedure to enable the Notifying Administration to coordinate efforts in finding alternative satellite operators to replace a non-operational company's satellite network, which led to the suspension. The Chair sought clarification from the DG on whether the procedure referred to is something to be discussed and established after the AP endorses the recommendation, or if a detailed procedural framework should be prepared and presented alongside the recommendation.

The DG expressed support for the second proposal, stating that it was a more practical approach. He emphasized that it would be too late to wait until the next AP to approve the recommendation and only then begin developing the framework. He further noted that internal preparations had already begun, including elements such as the draft template of the PSA, and the meetings between the ITSO Secretariat and the Notifying Administrations to determine how the process would be managed. The DG stressed the importance of holding such discussions, particularly with the United States, to understand how the process would operate within the framework of FCC's procedures. He also referred to similar considerations that would apply in the case of the UK. He advised that these consultations and preparations should occur in parallel with the submission of the recommendation, and that a concrete framework should be ready before the Working Group concludes its meetings and reports to the IAC.

The delegate from the United States, Mr. Doug May, raised a question regarding Recommendation 3 and expressed uncertainty about the meaning of the word "finding" in the phrase recommending the establishment of a procedure to allow the Notifying Administration, and ITSO to coordinate in the process of finding alternative satellite providers. He stated that, under the agreement, the Notifying Administration did not have any obligation to actively seek and find alternative satellite providers. Instead, their obligation might be limited to licensing an alternative satellite operator. Therefore, he suggested that the word "finding" be replaced with "licensing"

The delegate from Nigeria, Mr. Asuenize Adiga, commented on Recommendation 1, which includes the term "periodic reporting." He suggested that the term should be made more precise, noting that while "periodic" implies action at regular intervals, it does not specify the exact timing. He questioned what specific timeframe was intended for these reports and proposed that the recommendation clarifies whether "periodic reporting" means monthly, weekly, yearly, or another defined interval.

ITSO Technical Advisor, Dr. Julián Seseña explained that the key issue involves two different reports. The first being the periodic report, which provides a permanent overview of the situation. This report is to be received and updated every six months, and therefore, it should follow a systematic approach. He emphasized that when a notice of suspension is issued, there is no need to wait six months to communicate it to ITSO; the suspension should be communicated immediately, as reported by the Notifying Administration. He noted that if a suspension affects a critical frequency assignment and orbital position, immediate discussions should be initiated between the Notifying Administrations and ITSO to explore solutions such as licensing alternative operators. Conversely, if the suspension involves a frequency assignment that is part of the Common Heritage but not critical for global connectivity, the urgency and response required may differ. This distinction forms the basis of the recommendation to establish a procedure that considers the urgency or lack thereof in finding a solution following a suspension notice.

After considering the contributions received, the following conclusions were reached:

1. the meeting agreed to the recommendations set out in the DG contribution under TORs 2, 4 and 6, which were supplemented by comments made during the meeting;
2. The Director General will update its contribution on TORs 2, 4 and 6 as necessary to reflect the comments made at the meeting.
3. The coordinator on ToRs 2, 4 and 6 should prepare a consolidated document including the relevant recommendations, taking into account the contributions submitted to and comments made at the meeting. This document should be prepared according to the AP-41 report template circulated by the secretariat.
4. The secretariat should develop a detailed procedural framework to enable coordinated efforts between ITSO and the Notifying Administration in finding alternative satellite operators to replace a non-operational company's satellite network (which led to the suspension of a given assignment) (see TOR 6).
5. The secretariat should develop an analysis of the Company's ongoing obligations under the second Core Principle to serve its lifeline connectivity customers now that the LCO Contract entered into between the Company and its LCO customers has expired.

4. Presentation of submitted contributions (TBC)

The Chairman noted that there were no additional contributions.

5. AOB

The delegate from the United Sates, Mr. Doug May, inquired whether the DG could provide an update on the current funding situation of ITSO. He noted that the present funding arrangement was approaching its conclusion and emphasized that discussions regarding future funding would need to be finalized soon, particularly as responsibility would transition to Ms. Renata Brazil David upon her assumption of the DG role next month. He inquired whether there were any developments or updates on this matter.

The DG highlighted that there had been extensive discussions with Intelsat regarding funding for the financial year 2026, including weekly communications. He reported that Intelsat had clearly indicated they were not in a position to provide funding at the level approved by the Assembly of Parties. Instead, Intelsat insisted they could provide only $1,000,000. He explained that this would significantly reduce the amount they were prepared to spend on hosting the Assembly of Parties. The DG further noted that the funding agreement was expected about two weeks prior but had not yet been received. However, the person negotiating directly for Intelsat had indicated that the agreement was ready and should be signed and sent within a week. The DG committed to following up immediately to ensure the agreement was in place before the July 1 deadline. He expressed hope that once the merger process with SES was completed, the situation might improve. Finally, he highlighted that, as usual, he would inform the parties once the agreement was reached and share a copy with them.

The Deputy Director General, Dr. Renata Brazil David, stated that, as the Director General had mentioned, the organization was underfunded, even more so than previously, which raised significant concerns. She explained that not only was the funding below the amount approved by the Assembly of Parties for operations, but the Assembly of Parties' budget was being cut even further. She highlighted that she would be starting in a few weeks facing a very challenging situation. Her hope and goal were to address the issue with SES once the merger was completed, noting that Intelsat had firmly confirmed it would not pay more than one million dollars. Dr. Brazil David expressed her intention to renegotiate with SES at some point and to seek support from the Parties to help secure at least the minimum budget approved by the Assembly of Parties.

The Chair inquired whether there was any update on the merger process between SES and Intelsat, requesting any further information. The DG in response highlighted that there was no formal new information beyond what was publicly available via the FCC website and the news. He mentioned that the European Union and the United Kingdom had cleared the merger from a competition perspective.

6. Closing remarks

The Director General, Mr. Patrick Masambu, delivered his farewell remarks, informing the group that his tenure as Director General of ITSO would end on 17th July 2025. He expressed his deep appreciation to all members for their collaboration and support over the past fifteen years, stating it had been an honor to serve the organization. He described his time at ITSO as a highly rewarding professional experience and emphasized the strong sense of unity and purpose he experienced throughout his work with the Working Groups, the Assembly of Parties, and the IAC. He noted the challenges the organization had faced, but also the many collective accomplishments. He stated his pride in having contributed to the advancement of ITSO's mission and its impact on global connectivity. He concluded by saying that in the telecommunications field, "you never really say goodbye," and expressed hope that his professional and personal relationships with colleagues would continue.

The Deputy Director General and Director General Elect, Dr. Renata Brazil David, thanked Mr. Masambu for his leadership during difficult times, describing his contribution as outstanding and expressing gratitude for his support and mentorship. She wished him the best in his next endeavors and invited participants to join in acknowledging his service.

Mr. Alexandru Cozma, Chair of the Assembly of Parties, extended his gratitude to Mr. Masambu for his exceptional leadership and lasting impact. He echoed the sentiment that this was not a farewell, but a "see you soon." He also voiced confidence in the incoming Director General, Renata, and expressed readiness to work with her to build upon the strong foundation already in place. He further commended the Chair of the Working Group for his effective leadership.

Ms. Revathi congratulated Mr. Masambu, recalling her experience working with ITSO since 2015 and noting that she closely associated the organization's progress with his leadership. She wished him success in his future endeavors and pledged support to Renata in her new role.

The Chairman expressed deep appreciation and admiration for Mr. Masambu's leadership, highlighting his strategic vision, integrity, and steady guidance, especially during critical periods in the organization's development. He emphasized that the designation of Director General Emeritus reflected the esteem in which Mr. Masambu was held and the impact he has made.

The Chairman also thanked Dr. Brazil David for her strong support and professionalism in her current role as Deputy Director General and previously as Director of Legal Affairs. He expressed confidence in her leadership and indicated that a formal welcome would be extended at the next meeting when she assumes the position of Director General.

The Chairman thanked all participants for their contributions and noted that the meeting had achieved a key milestone by developing and agreeing on a set of recommendations under ToRs 2, 4**,** and 6**.** He further acknowledged that some points would still require follow-up action, but emphasized that the group had made substantial progress by reaching consensus on the recommendations addressing those ToRs.

Annex I – List of participants - AP-41 WG Meeting 4 - Jun 24, 2025

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