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71FUND/AC.20/9

## SUBMISSION OF OIL REPORTS

### Note by the Director

**Summary:**

A total of 33 States have outstanding oil reports for the year 2005 and/or previous years: seven States in respect of the 1971 Fund and 29 States in respect of the 1992 Fund. A number of States have reports outstanding for many years. There are no outstanding reports in respect of the Supplementary Fund.

**Action to be taken:**

Information to be noted.

### 1 **Introduction**

- 1.1 The governing bodies of the 1971 Fund and 1992 Fund have repeatedly expressed their serious concerns as regards the failure of a number of Member States to submit their reports on receipts of contributing oil and emphasised that it was crucial for the functioning of the regime of compensation established by the Fund Conventions that States submitted these reports. At their sessions in October 2004, the governing bodies noted that the failure of a number of Member States to submit oil reports had been a very serious issue for a number of years and that, whilst the situation might be slightly better than in previous years, it was still very unsatisfactory. The Director was instructed to pursue his efforts to obtain the outstanding oil reports and all delegations were urged to co-operate with the Secretariat in order to ensure that States fulfilled their obligations in this regard. The Director was also instructed to continue to bring the matter of the non-submission of oil reports to its attention at each autumn session (documents 92FUND/A.10/37, paragraphs 15.1-15.4 and 15.14-15.15, 71FUND/AC.17/20, paragraphs 11.1-11.4 and 11.13-11.14, and SUPPFUND/A/ES.1/21, paragraph 9.11).

1.2 At their October 2005 sessions, after having considered the Secretariat's normal procedures for monitoring the submission of oil reports as well as recommendations as to further measures that might encourage States to fulfil their obligations in this regard (documents 92FUND/A.10/14/1, SUPPFUND/A/ES.1/8/1 and 71FUND/AC.17/9/1), the governing bodies instructed the Director to proceed with the measures which had been proposed to assist States to submit oil reports but not with those intended to 'shame' States into submitting reports (document 92FUND/A.10/37 paragraphs 15.6-15.13, SUPPFUND/A/ES.1/21 paragraphs 9.3-9.10, and 71FUND/AC.17/20 paragraphs 11.6-11.12). The Director reports on the implementation of these measures in document 92FUND/A.11/14/1, SUPPFUND/A.2/9/1, 71FUND/AC.20/9/1.

1.3 This document sets out the situation with regard to the submission of oil reports in respect of the 1971 Fund, the 1992 Fund and the Supplementary Fund and gives information on the steps taken in order to obtain the outstanding reports.

## **2 Situation in respect of outstanding oil reports**

2.1 In letters dated 13 January 2006, 1992 Fund Member States, Supplementary Fund Member States and former 1971 Fund Member States were invited to submit to the Secretariat their reports on contributing oil received in 2005 and/or any outstanding reports, as appropriate. Competent authorities were reminded that the governing bodies had repeatedly emphasised their great concern about States which did not fulfil their treaty obligations to submit reports as it was crucial for the functioning of the international compensation regime that States fulfilled these obligations. They were also reminded that the extent to which a State had fulfilled its obligation to submit reports may be taken into account when the Assembly elects members of the Executive Committee. As regards the Supplementary Fund, States were reminded that failure to submit reports could lead to the temporary or permanent denial of compensation.

2.2 Reminder letters dated 21 July 2006, were sent to the competent authorities of States with outstanding reports.

2.3 The IOPC Funds' meetings were used to make personal contacts with delegates from States with outstanding oil reports, to remind them of the gravity with which the governing bodies viewed the situation and to offer them any information or assistance which they may require.

2.4 Since the October 2005 sessions of the governing bodies, ten States have submitted most or all of their outstanding reports.

2.5 The Director is particularly pleased that Gabon and Sierra Leone, which had reports outstanding for 17 years and 13 years respectively, have submitted all of their reports. He is extremely appreciative of the efforts made by the Gabonese and Sierra Leonean authorities to gather the information needed to make these reports.

2.6 The Director is also pleased that Georgia and Djibouti, which had reports outstanding for five years and four years respectively, have submitted all of their reports.

2.7 There are no outstanding oil reports in respect of the Supplementary Fund. However, at present oil reports are outstanding for the year 2005 and/or previous years in respect of seven former Member States of the 1971 Fund and in respect of 29 of the present 95 Member States of the 1992 Fund, as set out in the Annex. A number of these States have reports outstanding for several years. However, the total number of outstanding reports has fallen from 111 at 27 September 2005 to 98 at 4 October 2006.

2.8 In the case of 12 States which have outstanding reports for one year only and which in the past have submitted reports, it is thought that the non-submission is an administrative oversight. The

Director does not envisage any major problems in obtaining the respective outstanding reports. Furthermore, it is expected that 'nil' quantities will be reported in respect of six of these States.

- 2.9 Reports for two or three years are outstanding in respect of 11 States. Four of these States (Cape Verde, Saint Lucia, South Africa and Tuvalu), have not submitted any reports since becoming Members of the 1992 Fund and they were not previously 1971 Fund Members. Two of these States are expected to submit 'nil' reports (Oman and Papua New Guinea). As for three States, Panama, the Russian Federation and Venezuela, quantities of 7 330 968, 3 440 569 and 6 561 334 tonnes respectively were given in the most recent reports.
- 2.10 A further ten States have not submitted oil reports for four or more years. Two of these States have outstanding reports in respect of both the 1971 Fund and the 1992 Fund. Of the remaining eight States, two have outstanding reports in respect only of the 1971 Fund and seven in respect only of the 1992 Fund.
- 2.11 The Director is particularly anxious to receive reports from Albania (which has ten years of outstanding reports), especially since no reports have been submitted by this State since it became a Member of the 1971 Fund and it has recently become a Member of the 1992 Fund. With regard to Guyana (which has five years of outstanding reports), and Mauritania (seven years), the Director is also concerned that no reports have been submitted by these States since they became Members of the 1971 Fund. No reports have been submitted by Guinea (four years), Dominica (five years), Saint Vincent and the Grenadines (five years), Comoros (six years) or the Dominican Republic (seven years), since they became Members of the 1992 Fund. Although it is expected that reports of 'nil' quantities will be submitted in respect of Bahrain and Grenada, it is of considerable concern that reports are outstanding for nine and five years respectively.
- 2.12 The Director considers it to be a matter of serious concern that oil reports are outstanding in respect of a number of the former 1971 Fund Member States and that a number of 1992 Fund Member States have reports outstanding in respect of more than one year. Since the 1971 Fund Convention ceased to be in force on 24 May 2002, problems will arise in connection with the winding up of that Fund unless the outstanding reports are submitted. The situation in respect of the 1992 Fund is likely to deteriorate further, as States which have outstanding reports in respect of the 1971 Fund become Members of the 1992 Fund. The situation in respect of States which have recently joined the 1992 Fund but were not previously Members of the 1971 Fund is also becoming progressively worse.
- 2.13 The Director will pursue his efforts to obtain the outstanding reports, in the light of any discussions at the October 2006 sessions of the Funds' governing bodies. It would be appreciated if all 1992 Fund Member States and former 1971 Fund Member States would support the Secretariat in its endeavours to improve the situation.

### **3 Action to be taken by the governing bodies**

The governing bodies are invited to take note of the information contained in this document.

**ANNEX**

State	Number of outstanding reports	Quantity given in most recent report (tonnes)	Years for which reports outstanding	
			1971 Fund	1992 Fund
Albania	10	No reports received	1993-2001	2005
Bahrain	9	0	1997	1997-2005
Mauritania	7	No reports received	1995-2001	
Dominican Republic	7	No reports received		1999-2005
Comoros	6	No reports received		2000-2005
Dominica	5	No reports received		2001-2005
Grenada	5	0		2001-2005
Guyana	5	No reports received	1997-2001	
Saint Vincent and the Grenadines	5	No reports received		2001-2005
Guinea	4	No reports received		2002-2005
Cape Verde	3	No reports received		2003-2005
Cambodia <1>	2			2004-2005
Oman	2	0		2004-2005
Panama	2	7 330 968	1998	2003
Papua New Guinea	2	0		2004-2005
Russian Federation	2	3 440 569		2004-2005
Saint Lucia	2	No reports received		2004-2005
South Africa	2	No reports received		2004-2005
Tuvalu	2	No reports received		2004-2005
United Republic of Tanzania <2>	2			2004-2005
Venezuela	2	6 561 334		2004-2005
Argentina	1	12 751 120		2005
Belize	1	0		2005
Congo	1	0		2005
Estonia	1	0		2004
Indonesia	1	12 006 831	1998	
Kenya	1	243 274		2005
Kuwait	1	0	2001	
Madagascar	1	237 657		2005
Mauritius	1	514 503		2005
Mexico	1	10 680 510		2005
Nigeria	1	0		2005
Tonga	1	0		2005

<1> reports for 2001-2003 received but incomplete

<2> reports for 2002-2003 received but incomplete