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COMPENSATION
FUND 1971

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Agenda item 13

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NON-SUBMISSION OF OIL REPORTS

Note by the Director

Summary:	27 Member States have not submitted oil reports to the Secretariat.
Action to be taken:	Consider what measures, if any, can be taken to ensure that Member States submit their outstanding oil reports.

1 **Introduction**

- 1.1 In October 1998 the Executive Committee, acting on behalf of the Assembly, decided that, if a State did not submit its oil reports, the Director should make contacts with that State and emphasise the concerns expressed by the Assembly in this regard. The Director was also instructed to inform the competent persons of the States concerned that the Assembly would review individually each State which had not submitted its report and that it would then be for the Assembly to decide on the course of action to be taken for each State (document 71FUND/EXC.59/17/A.21/24, paragraph 14.3). In October 1999 the Committee, again acting on behalf of the Assembly, renewed these instructions (document 71FUND/EXC.62/14/A.22/23, paragraph 13.3).
- 1.2 This document sets out the situation with regard to the non-submission of oil reports by 1992 Fund Member States and gives information on the steps taken by the Director in order to obtain the outstanding reports.

2 Situation in respect of outstanding oil reports

- 2.1 In letters dated 15 January 2000 Member States were invited to submit to the Secretariat their reports on contributing oil received in 1999. Competent authorities were notified that the Assembly would review individually each State which had not submitted its report and that it would then be for the Assembly to decide on the course of action to be taken for each State.
- 2.2 Reminder letters were sent in May 2000 to the competent authorities of 35 States with outstanding reports. The authorities' attention was again drawn to the Assembly's decision to review individually each State which had not submitted its reports. Following these letters, reports in respect of a number of States have been submitted to the Secretariat.
- 2.3 At present oil reports are outstanding in respect of 27 Member States (or former Member States) of the 1971 Fund, as set out below.

State	Years for which reports outstanding	Total number of outstanding reports	Estimated quantity (tonnes)
Gabon	1988-1999	12	400 000
Syrian Arab Republic	1990-1999	10	400 000
Sierra Leone	1992-1999	8	<i>No reports yet received</i>
Albania	1993-1999	7	<i>No reports yet received</i>
St Kitts and Nevis	1993, 1995-1999	6	0
Mauritania	1995-1999	5	<i>No reports yet received</i>
Mozambique	1996-1999	4	<i>No reports yet received</i>
Nigeria	1986, 1997-1999	4	700 000
Yugoslavia	1996-1999	4	0
Guyana	1997-1999	3	<i>No reports yet received</i>
Kuwait	1997-1999	3	0
Maldives	1997-1999	3	0
Papua New Guinea	1997-1999	3	0
Tonga**	1997-1999	3	0
Côte d'Ivoire	1998-1999	2	3 000 000
Gambia	1998-1999	2	0
Panama*	1998-1999	2	<i>No reports yet received</i>
Seychelles*	1998-1999	2	0
Algeria*	1997	1	350 000
Antigua & Barbuda**	1999	1	0
Brunei Darussalam	1999	1	0
Fiji**	1999	1	0
Indonesia*	1998	1	12 000 000
Kenya**	1999	1	1 600 000
Morocco	1999	1	6 000 000
Portugal	1998	1	16 000 000
United Arab Emirates	1999	1	0

* No longer a Member of the 1971 Fund

** Will cease to be a Member of the 1971 Fund by September 2001

- 2.4 The Director considers it to be a matter of serious concern that oil reports are outstanding in respect of over a half of the remaining Member States of the 1971 Fund.
- 2.5 In the case of nine States (Algeria, Antigua & Barbuda, Brunei Darussalam, Fiji, Indonesia, Kenya, Morocco, Portugal and Seychelles) 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 four of these States.

- 2.6 For nine States (Côte d'Ivoire, Gambia, Guyana, Kuwait, Maldives, Panama, Papua New Guinea, Seychelles and Tonga), oil reports are outstanding for two or three years. It is expected, however, that 'nil' quantities will be reported in respect of six of these States (Gambia, Kuwait, Maldives, Papua New Guinea, Seychelles and Tonga). Of the nine States, Guyana and Panama have not submitted reports in the past. As for Côte d'Ivoire, a quantity of some 3000 000 tonnes was received when it last submitted a report.
- 2.7 A further nine States have not submitted oil reports for four or more years (Albania, Gabon, Mauritania, Mozambique, Nigeria, St Kitts and Nevis, Sierra Leone, Syrian Arab Republic and Yugoslavia). Although it is expected that reports of 'nil' quantities will be submitted in respect of St Kitts and Nevis and Yugoslavia, it is of considerable concern that reports are outstanding for six and four years, respectively, for these States. With regard to Sierra Leone (which has eight years of outstanding reports), Albania (which has seven years of outstanding reports), Mauritania (which has five years of outstanding reports) and Mozambique (which has four years of outstanding reports), the Director is particularly concerned that no reports have been submitted by these States since they became Members of the 1971 Fund. The Director is particularly anxious to receive reports from Gabon (which has twelve years of outstanding reports), the Syrian Arab Republic (which has ten years of outstanding reports) and Nigeria (which has four years of outstanding reports). When these three States last submitted oil reports, quantities of approximately 400 000, 400 000 and 700 000 tonnes, respectively, were received each year. If the quantities remain the same for the 'missing' years, a substantial amount is due to be invoiced to the contributors in those three States.
- 2.8 It will be recalled that when the Director submitted a document to the Assembly's 22nd session on the submission of oil reports (document 71FUND/A.22/11), reports were outstanding in respect of 32 Member States (or former Member States). In the intervening twelve months, a number of outstanding reports were received, including three years' reports from Cameroon and Colombia, six years' reports from Tuvalu and eight years' reports from Benin.
- 2.9 Overall, however, the Director considers that the situation regarding outstanding oil reports gives rise to grave concern for the future operation of the 1971 Fund. Although it is believed that twelve of the Member States listed in the table above will submit reports of 'nil' quantities, it is vital that the authorities of the States concerned confirm this in writing to the Secretariat. In the case of a number of States which are expected to receive contributing oil, however, the Director is confident that the reports have merely been delayed, and that they will be submitted to the Secretariat in the near future. Nevertheless, the Director is very concerned that the six States which have not yet submitted any oil reports since becoming Members of the 1971 Fund may in fact have entities which receive more than 150 000 tonnes of contributing oil per year. Of greatest concern for the functioning of the 1971 Fund are those States referred to in paragraph 2.7 which have not submitted reports for between four and twelve years. The Director will pursue his efforts to obtain the outstanding reports. In the light of discussions at previous sessions of the 1971 Fund's governing bodies, it would appear that persistency is the only option available to the Secretariat.

3 Action to be taken by the Assembly

The Assembly is invited:

- (a) to take note of the information contained in this document; and
 - (b) to consider what measures, if any, can be taken to ensure that Member States submit their outstanding oil reports.
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