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NON-SUBMISSION OF OIL REPORTS

Note by the Director

Summary:	A total of 32 States have outstanding oil reports for the year 2003 and/or previous years: 12 States in respect of the 1971 Fund and 26 States in respect of the 1992 Fund. A number of States have reports outstanding for many years.
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 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 2003, the governing bodies considered the matter again and discussed what further measures could be taken to resolve the problem. The Director was instructed to pursue his efforts to obtain the outstanding oil reports but it was noted that there was a limit to what the Secretariat could achieve by persistence (documents 92FUND/A.8/30, paragraphs 15.3-15.5 and 71FUND/AC.12/22, paragraphs 11.3-11.5).
- 1.2 The governing bodies recalled that they had previously recognised that it was their responsibility to find creative solutions to the problem within the constraints of the 1971 and 1992 Fund Conventions and then to support the Secretariat in the implementation of these solutions. The 1992 Fund Assembly noted that a real solution for the future could only come from a revision of the 1992 Conventions being considered by the intersessional Working Group (documents 92FUND/A.8/30, paragraph 15.9 and 71FUND/AC.12/22, paragraph 11.8).

- 1.3 This document sets out the situation with regard to the non-submission of oil reports in respect of the 1971 Fund and of the 1992 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 15 January 2004, 1992 Fund Member States and former 1971 Fund Member States were invited to submit to the Secretariat their reports on contributing oil received in 2003 and/or any outstanding reports, as appropriate. Competent authorities were reminded that the governing bodies had repeatedly emphasised their great concern about States which do 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 has fulfilled its obligation to submit reports may be taken into account when the Assembly elects members of the Executive Committee.
- 2.2 Reminder letters dated July 2003 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 2003 sessions of the governing bodies, one State, Côte d'Ivoire, which had reports outstanding for four years, has submitted all of these reports.
- 2.5 However, at present oil reports are outstanding for the year 2003 and/or previous years in respect of 12 former Member States of the 1971 Fund and in respect of 26 of the present 86 Member States of the 1992 Fund, as set out in the Annex. A number of these States have reports outstanding for several years.
- 2.6 In the case of eleven 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 three of these States.
- 2.7 Reports for two or three years are outstanding in respect of eleven States. Five of these States (Cambodia, Congo, Dominica, Guinea and Saint Vincent and the Grenadines) have not submitted any reports since becoming a Member of the 1992 Fund and they were not previously 1971 Fund Members. Of the other six States, five have outstanding reports in respect of the 1992 Fund and two of these also have outstanding reports in respect of the 1971 Fund. It is expected that 'nil' quantities will be reported in respect of two of these six States. As for the Bahamas, Colombia, Morocco and Panama, quantities of some 1 761 000, 982 000, 6 675 000 and 1 651 000 tonnes respectively were given in the most recent reports.
- 2.8 A further ten States have not submitted oil reports for four or more years. Four of these States have outstanding reports in respect of both the 1971 Fund and the 1992 Fund. Of the remaining six States, three have outstanding reports in respect only of the 1971 Fund and three in respect only of the 1992 Fund.
- 2.9 The Director is particularly anxious to receive reports from Gabon (which has 16 years of outstanding reports) and Nigeria (eight years). When these three States last submitted oil reports, quantities of approximately 40 000 and 74 000 tonnes, respectively, were reported. If the quantities remain the same for the 'missing' years, a substantial amount is due to be invoiced to the contributors in those two States. With regard to Guyana (which has five years of outstanding

reports), Mauritania (seven years), Albania (nine years) and Sierra Leone (12 years), the Director is particularly concerned that no reports have been submitted by these States since they became Members of the 1971 Fund and that no reports have been submitted by Comoros, the Dominican Republic or Georgia since they became Members of the 1992 Fund. Although it is expected that reports of 'nil' quantities will be submitted in respect of Bahrain, it is of considerable concern that reports are outstanding for seven years.

- 2.10 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.
- 2.11 The Director will pursue his efforts to obtain the outstanding reports. In the light of discussions at previous sessions of the Funds' governing bodies, it would appear that persistency is the only option available to the Secretariat. 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:

- (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 1992 Fund Member States and former 1971 Fund Member States submit their outstanding oil reports.

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ANNEX

State	Number of outstanding reports	Quantity given in most recent report (tonnes)	Years for which reports outstanding	
			1971 Fund	1992 Fund
Gabon	16	420 099	1988-2001	2002-2003
Sierra Leone	12	No reports received	1992-2001	2001-2003
Albania	9	No reports received	1993-2001	
Nigeria	8	754 106	1986, 1997-2001	2002-2003
Bahrain	7	0	1997	1997-2003
Mauritania	7	No reports received	1995-2001	
Dominican Republic	5	No reports received		1999-2003
Guyana	5	No reports received	1997-2001	
Comoros	4	No reports received		2000-2003
Georgia	4	No reports received		2000-2003
Benin	3	0	1999-2001	
Cambodia	3	No reports received		2001-2003
Djibouti	3	0	2001	2001-2003
Dominica	3	No reports received		2001-2003
Morocco	3	6 674 608		2001-2003
Saint Vincent and the Grenadines	3	No reports received		2001-2003
Bahamas	2	1 761 493		2002-2003
Colombia	2	981 806		2002-2003
Congo	2	No reports received		2002-2003
Guinea	2	No reports received		2002-2003
Panama	2	1 651 330	1998	2003
Algeria	1	528 000		2003
Argentina	1	10 822 609		2003
Cape Verde	1	No reports received		2003
Greece	1	21 800 950		2003
Grenada	1	0		2003
India	1	89 118 624		2003
Indonesia	1	12 006 831	1998	
Kuwait	1	0	2001	
Trinidad and Tobago	1	4 703 135		2003
Turkey	1	23 448 215		2003
United Arab Emirates	1	0		2003