



**INTERNATIONAL  
OIL POLLUTION  
COMPENSATION  
FUNDS 1971 AND  
1992**

ASSEMBLY  
9th extraordinary session  
Agenda item 25

92FUND/A/ES.9/23  
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ADMINISTRATIVE COUNCIL  
16th session  
Agenda item 12

71FUND/AC.16/12

## REVIEW OF OBSERVER STATUS

### Note by the Director

**Summary:**

Following the review of the list of international non-governmental organisations having observer status carried out by the governing bodies at their October 2003 sessions, the governing bodies decided at their October 2004 session that the observer status of the Advisory Committee on Protection of the Sea (ACOPS) should be withdrawn. Following the receipt of a letter from ACOPS during that session requesting the governing bodies to retain ACOPS' observer status, the governing bodies decided to reconsider the matter at their next sessions. The contribution that ACOPS can make to the work of the IOPC Funds is reviewed.

**Action to be taken:**

To consider reinstating the observer status of ACOPS.

### **1 Guidelines for granting observer status**

1.1 At its 1st session, held in June 1996, the 1992 Fund Assembly adopted Guidelines on relations between the International Oil Pollution Compensation Fund 1992 and intergovernmental organisations and international non-governmental organisations which set out, *inter alia*, the criteria for the granting of observer status to an international non-governmental organisation which read as follows (document 92FUND/A.1/34/1):

Observer status may be granted by the Assembly to an international non-governmental organisation, at its request, if:

- (a) the organisation concerned is of truly international character and its objectives are in harmony with those of the 1992 Fund;
- (b) it has aims, responsibilities or activities in the fields related to those of the 1992 Fund or which are of concern or interest to the 1992 Fund, particularly in connection with pollution and environmental matters, maritime and shipping

affairs, marine insurance, production or transport of oil or relevant questions of international law; and

- (c) it is able to make a contribution to the work of the 1992 Fund, for example by providing specialised information, advice or expertise, or by identifying or helping to procure the services of experts or consultants, or by otherwise furnishing technical assistance or by making research facilities available.

1.2 These guidelines were amended at the Assembly's 7th session in October 2002 to include provisions on a periodic review of whether observer organisations continue to fulfil the criteria set out in the guidelines.

1.3 As regards the periodic review, the Guidelines read as follows:

The Assembly will review every three years the list of international non-governmental organisations having observer status in order to determine whether the continuance of observer status for any particular organisation is of mutual benefit.

1.4 Corresponding guidelines were adopted by the 1971 Fund Assembly in 1979, but they were not amended in 2002.

## **2 Previous consideration of ACOPS' observer status**

2.1 Following the first periodic review of the list of international non-governmental organisations at their October 2003 sessions, the governing bodies decided at their October 2004 sessions that there was no further advantage to the IOPC Funds in the Advisory Committee on Protection of the Sea (ACOPS) continuing to have observer status and decided to withdraw it (documents 92FUND/A.9/31, paragraphs 20.5-20.7 and 71FUND/AC.15/21, paragraphs 15.5-15.7).

2.2 It was noted that the Director had received a letter from ACOPS during the session, requesting the governing bodies to retain ACOPS' observer status. One delegation indicated that, in its opinion, ACOPS was a prestigious international organisation but that it had a small staff and limited resources. Another delegation stated that attendance at meetings should not be the only factor taken into account when deciding whether to withdraw observer status.

2.3 The governing bodies decided to reconsider the matter at their next sessions.

2.4 The next periodic review of the list of international non-governmental organisations having observer status will take place at the October 2006 sessions of the governing bodies.

## **3 Reconsideration of ACOPS' observer status**

3.1 The Director met with the President of ACOPS and its Assistant Executive Director on 2 February 2005 to discuss the observer status of ACOPS. Following this meeting the Director received a letter from the President of ACOPS explaining why he considered that the reinstatement of observer status would be of mutual benefit to ACOPS and to the IOPC Funds. That letter is reproduced at the Annex.

3.2 Having reconsidered the matter, the Director considers that ACOPS, which is of truly international character with Vice-Presidents in 18 States, of which 14 are Members of the 1992 Fund, and carries out activities in environmental matters, can contribute to the work of the IOPC Funds *inter alia* by providing expertise in environmental matters. The Director is therefore of the

view that ACOPS does meet the criteria for granting of observer status to international non-governmental organisations and that the Assembly should reinstate the observer status of ACOPS.

**4 Action to be taken by the governing bodies**

The governing bodies are invited to:

- (a) take note of the information contained in this document; and
- (b) consider whether to reinstate the observer status of ACOPS.

\* \* \*

## ANNEX I



# ADVISORY COMMITTEE ON PROTECTION OF THE SEA

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		Hon Dr Newton Kulundu (Kenya)	

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4<sup>th</sup> March 2005

Dr. Mans Jacobsson  
Director  
International Oil Pollution Compensation Fund  
Portland House  
Stag Place  
LONDON, SW1E 5PN

Dear Mr Jacobsson

### **Re: ACOPS' Observer Status & Future Cooperation with the IOPC Funds**

Thank you very much for meeting Terry Jones and myself on Wednesday 2nd February, when we discussed the observer status of the Advisory Commission on Pollution of the Sea (ACOPS) with the IOPC Funds.

As I stated in my letter dated 18 October 2004, we have consulted internally and with our various stakeholders, and wish to advise the Funds' governing bodies that ACOPS would like to retain its observer status. We understand the governing bodies' concerns and would like to apologise for being unable to take an active part in mainstream IOPC Funds activities in the past. Our lack of participation was due to the small number of our permanent staff, who are normally fully engaged in income generating activities, including project related work.

I have set out below why, in our view, ACOPS meets the criteria for the granting of observer status by the IOPC Funds to an international non-governmental organisation. I am confident that ACOPS will in future be able to participate actively as an observer to the IOPC Fund, to the mutual benefit of our respective organisations. I therefore hope that the governing bodies of the IOPC Funds will take these factors into account when considering whether to reinstate the observer status of ACOPS at their sessions in March 2005.

#### **(a) ACOPS is an organisation of truly international character and its objectives are in harmony with those of the IOPC Funds**

ACOPS is an international private, independent, non-political organisation enjoying United Kingdom charitable status, funded by a variety of foundations, governmental and intergovernmental institutions, companies and private individuals. It has a broad constituent

base, consisting of international associations of local authorities, wildlife and environmental protection organisations, trade unions, academic bodies, ports and harbours, tourist and shipping industries, as well as eminent individual members which include some of the world's leading politicians, administrators, scientists, economists and lawyers.

ACOPS is based in London, but its overseas offices in Bogotá and Tauranga (New Zealand), and a network of experts, give it a strong world-wide presence equally in the south and the north, which is vital to the success of its work. A strong team of world renowned experts, many of whom have held or hold high-level positions in key organisations at the national, regional, and global level, work closely with ACOPS on its various programmes. Their fields of expertise cover such vital fields as policy development, fisheries, corporate environmental management, oceanography, pollution research and control, biology, and tourism, thus providing a very solid basis to the multidisciplinary, transectoral approaches favoured by ACOPS.

Furthermore, ACOPS' distinguished international panel of Vice-Presidents takes a leading role in formulating policies and overseeing their implementation within their own countries and regions. Half of ACOPS' Board of Vice-Presidents are from the Northern Hemisphere and half from the Southern Hemisphere, including countries with economies in transition. All ACOPS' officers are senior political figures, covering all colours of the political spectrum, giving ACOPS its independent status. A list of ACOPS' officers is attached.

ACOPS co-operates closely with governments world-wide, as well as with the Commission of the European Union, the Global Environmental Facility (GEF), the Global International Waters Assessment (GIWA), the Co-ordination Office of the Global Programme of Action for the Protection of the Marine Environment from Land-Based Activities (GPA), the Organisation for Economic Co-operation and Development (OECD), United Nations Development Programme (UNDP), the International Oceanographic Commission (IOC) of UNESCO, and other bodies such as Global Legislators for a Balanced Environment (GLOBE). ACOPS has signed Memoranda of Understanding (MOU) with UNEP, IOC of UNESCO, the Ministry of Economic Development and Trade of the Russian Federation, and academic institutions assisting in research projects such as the Plymouth University and the Imperial College, London. In addition, ACOPS' efforts are strengthened by its association, as an observer, with major intergovernmental agencies such as the African Ministerial Conference on Environment (AMCEN), the Arctic Council, the International Maritime Organisation (IMO) and the United Nations Environment Programme (UNEP).

ACOPS works closely with institutions and organisations within the United Nations system, both as a facilitator of processes that require consensus and political will, and as co-ordinator and executing agency of strategic projects that result in concrete proposals. Work undertaken in Africa through a GEF MSP project, in which IOC-UNESCO actively participated, and whose scope UNEP and the Co-ordinating Office of the GPA broadened by mobilising resources for the inclusion of additional countries, are examples of this. Similarly, the success of the NPA-Arctic programme both from the point of view of scientific rigour and political support within the Russian Federation, has confirmed ACOPS as a strategic partner for GEF, UNEP and other bilateral donors.

**(b) ACOPS has aims, responsibilities and activities in the fields which are of concern or interest to the IOPC Funds, particularly in connection with pollution and environmental matters**

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Established in 1952 as one of the world's first environmental Non-Governmental Organisations, ACOPS originally concentrated on encouraging international agreements to reduce marine oil pollution. Since then, ACOPS has expanded its interests to include land-based sources of marine pollution, as well as other aspects of degradation of the coastal and marine environment.

The primary aim of ACOPS is to promote and implement strategies for the sustainable development of the coastal and marine environment, through scientific, legal and policy research, advisory and public awareness activities, and development of project proposals for Partnership Conferences of all stakeholders. Work is carried out at the global, regional and national levels. Given that effective responses often demand complex cross-sectoral and multidisciplinary approaches, assistance is provided to both countries and regions in the development and implementation of concrete initiatives and projects. Studying our seas and oceans both as indicators of pollution and as a threatened resource in their own right, ACOPS strives to identify cost-effective, long-term environmental solutions that can be effectively implemented across the world, and to present these solutions to stakeholders in order to solicit commitments for concrete actions.

ACOPS' operations include:

- assistance to national governments and regional organisations in the development and implementation of projects, activities, and mechanisms for the protection and development of the coastal and marine environment;
- research regarding marine pollution problems, and development of concrete proposals for their solution and quantification;
- formulation of policy options and the conduct of studies in co-operation with central and local governments and intergovernmental agencies, as well as regional and global organisations;
- preparation of project proposals to be considered at Partnership Conferences which bring together all stakeholders;
- educational programmes covering all scientific, legal and political aspects of the degradation and threats to, the marine and coastal environment;
- promotion of the North-South dialogue; and
- public awareness campaigns, through high-level international conferences.

Through comprehensive processes of characterisation and prioritisation of environmental issues at both national and regional levels, in concert with key stakeholders from all levels, ACOPS has succeeded in identifying crucial areas, hot-spots, and issues that demand solutions if the coasts and oceans of the world are to be sustainably developed. These concrete projects are presented at regional Partnership Conferences, a mechanism that brings together potential partners and stakeholders in a process that generates a sense of ownership and of commitment – requisite elements for ensuring the long-term sustainability that environmental solutions demand.

**(c) ACOPS is able to make a contribution to the work of the IOPC Funds, for example by providing specialised information, advice or expertise, by identifying or helping to procure the services of experts or consultants, and by otherwise furnishing technical assistance or by making research facilities available.**

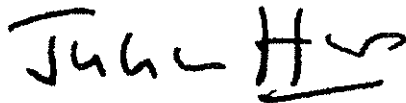
ACOPS continually monitors the activities of the IOPC Funds through publications/reports received, and can contribute by:

- a) Explaining the important role of the IOPC Funds to stakeholders on global basis;
- b) Occupying an important niche position in collating and disseminating information on smaller oil spills and the environmental, economic, and other consequences of such events;
- c) Offering and informing an established global network of those engaged in relevant policy developments.

In the past, ACOPS' conferences have been a useful forum for IOPC Funds staff to meet others involved in marine and environmental issues. I am sure that this collaboration will continue through ACOPS' initiative in organising a Conference on Ocean Security in Libya in July 2005, which will hopefully be followed by similar initiatives in Columbia, Russia and the Indian Ocean in subsequent years. Our Executive Director, Dr Viktor Sebek will be writing to you shortly to inform you about the Ocean Security Initiative (OSI) in more detail and to invite the IOPC Funds to participate.

ACOPS intends to actively participate in meetings of the IOPC Funds governing bodies in the future, particularly where ACOPS can provide experts dealing with specific issues, notably those related to the environmental issues. In this regard, it may be of interest that ACOPS, through its Director and Policy Coordinator, Professor Laurence Mee, is collaborating with the University of Plymouth Department of Marine Studies. In some cases, Dr Jo Richards of that department might also represent ACOPS at IOPC Funds meetings.

Yours sincerely



Lord Hunt of Chesterton  
President

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