



INTERNATIONAL
OIL POLLUTION
COMPENSATION
SUPPLEMENTARY
FUND

ASSEMBLY
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Agenda item 4

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INTERGOVERNMENTAL AND INTERNATIONAL NON-GOVERNMENTAL ORGANISATIONS TO BE INVITED AS OBSERVERS

Note by the Director of the International Oil Pollution Compensation Funds 1971 and 1992

Summary:	Proposals are made on which inter-governmental and international non-governmental organisations should be invited as observers to meetings of the Assembly of the Supplementary Fund and subsidiary bodies.
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Action to be taken:	Decide on the criteria for granting observer status to such organisations
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1 **The issue**

- 1.1 Article 16.2 of the Supplementary Fund Protocol provides that *inter alia* Articles 17 to 20 of the 1992 Fund Convention, which relate to the Fund Organisation and the administration thereof, shall apply to the Assembly, Secretariat and Director of the Supplementary Fund.
- 1.2 Under Article 16.2 of the Supplementary Fund Protocol and Article 18.10 of the 1992 Fund Convention, the Supplementary Fund Assembly shall determine which inter-governmental and international non-governmental organisations shall be admitted to take part, without voting rights, in meetings of the Assembly and subsidiary bodies.
- 1.3 The criteria for inviting organisations to participate, without voting rights, in sessions of the 1992 Fund Assembly are laid down in Rule 5 of the Rules of Procedure of that Assembly which reads:

'The Director shall invite to be represented by observers at any session of the Assembly:

- (a) the 1971 Fund;
- (b) the United Nations;
- (c) the International Maritime Organization;
- (d) any other specialized agency of the United Nations whose interests and those of the 1992 Fund are of common concern;
- (e) any other inter-governmental organisation and any international non-governmental organisation which the Assembly has decided to admit to its meetings in accordance with Article 18.10 of the 1992 Fund Convention.'

- 1.4 During its consideration in May 2004 of the preparations for the entry into force of the Supplementary Fund Protocol, the Assembly of the 1992 Fund endorsed the Director's proposal that the corresponding Rule of the Rules of Procedure of the Supplementary Fund Assembly, should be, *mutatis mutandis*, identical to Rule 5 of the 1992 Fund Assembly's Rules of Procedure (document 92FUND/A/ES.8/4, paragraph 3.2.3).
- 1.5 The following draft Rule of Procedure for the Supplementary Fund Assembly has been proposed for granting observer status to inter-governmental and international non-governmental organisations (agenda item 5, document SUPPFUND/A.1/5):

'The Director shall invite to be represented by observers at any session of the Assembly:

- (a) the 1992 Fund;
- (b) the United Nations;
- (c) the International Maritime Organization;
- (d) any other specialized agency of the United Nations whose interests and those of the Supplementary Fund are of common concern;
- (e) any other inter-governmental organisation and any international non-governmental organisation which the Assembly has decided to admit to its meetings in accordance with Article 16.2 of the Supplementary Fund Protocol and Article 18.10 of the 1992 Fund Convention.'

- 1.6 Under the proposed item (a), the 1992 Fund would be granted observer status with the Supplementary Fund, so that it could attend sessions of its Assembly.
- 1.7 The proposed provisions under items (b) to (e) of this draft Rule are identical, *mutatis mutandis*, to those applied to the Assembly of the 1992 Fund.
- 1.8 Rule 5 of the Rules of Procedure of the 1992 Fund Assembly is supplemented by Guidelines on relations between the 1992 Fund and intergovernmental organisations and international non-governmental organisations, which are set out at the Annex. Over the years the 1992 Fund Assembly has granted observer status to a number of such organisations. During its consideration in May 2004 of the preparations for the entry into force of the Supplementary Fund Protocol, the 1992 Fund Assembly endorsed the proposal by the Director that intergovernmental organisations and international non-governmental organisations that had been granted observer status in respect of the 1992 Fund should automatically have observer status with the Supplementary Fund, unless the Assembly of the Supplementary Fund decided otherwise in respect of a particular organisation (document 92FUND/A/ES.8/4, paragraph 3.2.4). If this proposal were to be accepted by the Supplementary Fund Assembly, there would be no need for any such Guidelines for the Supplementary Fund.

2 Action to be taken by the Assembly

The Assembly is invited to decide on:

- (a) which intergovernmental and international non-governmental organisations should be invited to be represented as observers at the sessions of the Assembly; and
- (b) the need for guidelines on relations between the Supplementary Fund and such organisations.

**GUIDELINES ON RELATIONS BETWEEN THE
INTERNATIONAL OIL POLLUTION COMPENSATION FUND 1992
(1992 FUND) AND INTERGOVERNMENTAL ORGANISATIONS
AND INTERNATIONAL NON-GOVERNMENTAL ORGANISATIONS**

A Intergovernmental organisations

- 1 The International Oil Pollution Compensation Fund 1971 will be invited to be represented at all meetings of the Assembly and may be invited, as appropriate, to meetings of subsidiary bodies which may be established.
- 2 The United Nations and the International Maritime Organization and any other specialised agency of the United Nations whose interests and those of the 1992 Fund are of common concern, will be invited to be represented by observers at all meetings of the Assembly and may be invited, as appropriate, to meetings of subsidiary bodies.
- 3 The Assembly will consider requests to be represented by observers received from other intergovernmental organisations whose aims and activities are relevant to those of the 1992 Fund or which are interested in the work of the 1992 Fund. An invitation to attend a session of the Assembly or other meeting may, subject to confirmation by the Assembly, be issued by the Director to any organisation making such a request. The Assembly may decide that invitations be sent to such an organisation either for a specific session or meeting or on a regular basis.
- 4 An agreement for co-operation may, with the approval of the Assembly, be concluded between the 1992 Fund and any intergovernmental organisation, if it is in their mutual interest to do so. The agreement may provide, where appropriate on a reciprocal basis, for admission as an observer, exchange of information, consideration of suggestions for agenda items, consultation on programmes and joint activities and other practical co-operation.

B International non-governmental organisations

- 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.
- 2 Observer status may be granted on a provisional basis for a period normally not exceeding three years.

- 3 Observer status will be withdrawn if the Assembly considers that there is no further advantage to the 1992 Fund in continuing with the same or if any conflict of interests arises or is likely to arise between the respective activities of the 1992 Fund and the organisation concerned.

 - 4 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.
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