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71FUND/AC.22/9

SUBMISSION OF OIL REPORTS

Note by the Director

Summary:	A total of 37 States have outstanding oil reports for the year 2006 and/or previous years: six States in respect of the 1971 Fund and 33 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 their attention at each autumn session (documents 92FUND/A.9/31, paragraphs 14.4-14.8 and 71FUND/AC.15/21, paragraphs 11.4-11.7).
- 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.12/12/1, SUPPFUND/A.3/10/1, 71FUND/AC.22/9/1.

- 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 15 January 2007, 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 2006 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. 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 2007 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 2006 sessions of the governing bodies, four States have submitted most or all of their outstanding reports.
- 2.5 The Director is particularly pleased that Albania, which had reports outstanding for ten years, has submitted all of its reports. He appreciates the efforts made by the Albanian authorities to gather the information needed to make these reports.
- 2.6 The Director is also encouraged by contacts with the authorities of Dominica and Saint Vincent and the Grenadines, which have reports outstanding for six years and five years respectively. Saint Vincent and the Grenadines has recently submitted a nil report for 2006 and it is hoped that both these States will submit all their outstanding reports shortly.
- 2.7 There are no outstanding oil reports in respect of the Supplementary Fund. However, at present oil reports are outstanding for the year 2006 and/or previous years in respect of six former Member States of the 1971 Fund and in respect of 33 of the present 98 Member States of the 1992 Fund, as set out in the Annex. A number of these States have reports outstanding for several years.
- 2.8 However, despite the large number of States with outstanding reports, the financial consequences appear to be limited. As regards the 1992 Fund, for example, those States which have submitted reports for 2006 represent some 98.5% of the expected total contributing oil (cf document 92FUND/A.12/17, Annex I). A further seven States (Kenya, Madagascar, Morocco, Nigeria, Panama, Russian Federation and Tunisia) which have all submitted reports within the last three years, represent the remaining 1.5%. Of those States which have never submitted reports to either the 1971 Fund or the 1992 Fund, it is expected that few, if any, receive contributing oil in significant quantities.
- 2.9 In the case of ten 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 these outstanding reports. Furthermore, it is expected that 'nil' quantities will be reported in respect of five of these States.

- 2.10 Reports for two or three years are outstanding in respect of 17 States. Three of these States (Saint Lucia, South Africa and Luxembourg), have not submitted any reports since becoming Members of the 1992 Fund and they were not previously 1971 Fund Members. Eight of these States are expected to submit 'nil' reports (Belize, Congo, Maldives, Oman, Papua New Guinea, Saint Kitts and Nevis, Tonga and Tuvalu). As for four States, Kenya, Madagascar, Panama and the Russian Federation, quantities of 243 274, 237 657, 7 330 968 and 3 440 569 tonnes respectively were given in the most recent reports.
- 2.11 A further ten States have not submitted oil reports for four or more years. One of these States has outstanding reports in respect of both the 1971 Fund and the 1992 Fund. Of the remaining nine States, two have outstanding reports in respect only of the 1971 Fund and seven in respect only of the 1992 Fund.
- 2.12 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 Cape Verde (four years), Guinea (five years), Dominica (six 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, Grenada and Saint Vincent and the Grenadines, it is of concern that reports are outstanding for ten, six and five years respectively.
- 2.13 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 if 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.
- 2.14 The Director will pursue his efforts to obtain the outstanding reports, in the light of any discussions at the October 2007 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
Bahrain	10	0	1997	1997-2006
Dominican Republic	8	No reports received		1999-2006
Comoros	7	No reports received		2000-2006
Mauritania	7	No reports received	1995-2001	
Dominica	6	No reports received		2001-2006
Grenada	6	0		2001-2006
Guinea	5	No reports received		2002-2006
Guyana	5	No reports received	1997-2001	
Saint Vincent and the Grenadines	5	0		2001-2005
Cape Verde	4	No reports received		2003-2006
Cambodia <1>	3			2004-2006
Oman	3	0		2004-2006
Panama	3	7 330 968	1998	2003, 2006
Papua New Guinea	3	0		2004-2006
Russian Federation	3	3 440 569		2004-2006
Saint Lucia	3	No reports received		2004-2006
South Africa	3	No reports received		2004-2006
Tuvalu	3	0		2004-2006
United Republic of Tanzania <2>	3			2004-2006
Belize	2	0		2005-2006
Congo	2	0		2005-2006
Kenya	2	243 274		2005-2006
Luxembourg	2	No reports received		2005-2006
Madagascar	2	237 657		2005-2006
Maldives	2	0		2005-2006
Saint Kitts and Nevis	2	0		2005-2006
Tonga	2	0		2005-2006
Argentina	1	14 202 906		2005
Djibouti	1	0		2006
Georgia	1	0		2006
Indonesia	1	12 006 831	1998	
Kuwait	1	0	2001	
Morocco	1	6 907 300		2006
Mozambique	1	0		2006
Nigeria	1	519 348		2006
Samoa	1	0		2006
Tunisia	1	3 428 380		2006

<1> reports for 2001-2003 received but incomplete

<2> reports for 2002-2003 received but incomplete