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## SUBMISSION OF OIL REPORTS

### Note by the Director

<b>Summary:</b>	A total of 33 States have outstanding oil reports for the year 2007 and/or previous years: six States in respect of the 1971 Fund and 28 States in respect of the 1992 Fund. Although the situation seems slightly better than last year, still a number of States have reports outstanding for many years. There are no outstanding reports in respect of the Supplementary Fund.
<b>Action to be taken:</b>	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 2007, 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.12/28, paragraphs 13.4-13.13, SUPPFUND/A.3/20, paragraphs 12.4-12.14 and 71FUND/AC.22/18, paragraphs 11.4-11.13).
- 1.2 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 2008, 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 2007 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 fulfilled these obligations. 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 18 August 2008 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 2007 sessions of the governing bodies, ten States have submitted most or all of their outstanding reports.
- 2.5 The Director is particularly pleased that Dominica, Saint Vincent and the Grenadines and Cape Verde, which had reports outstanding for six years, five years and four years, respectively, have submitted all of their reports. He appreciates the efforts made by the authorities in these States to gather the information needed to make these reports.
- 2.6 The Director is also encouraged by contacts with the authorities of Cambodia, which has reports outstanding for seven years. Cambodia has recently submitted reports for 2001-2006, but unfortunately the reports are incomplete.
- 2.7 There are no outstanding oil reports in respect of the Supplementary Fund. However, at present oil reports are outstanding for the year 2007 and/or previous years in respect of six former Member States of the 1971 Fund, and in respect of 28 of the present 101 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 In the case of six States which have outstanding reports to the 1992 Fund 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 two of these States.
- 2.9 Reports for two or three years are outstanding in respect of ten States. Eight of these States are expected to submit 'nil' reports (Belize, Congo, Djibouti, Luxembourg, Maldives, Mozambique, Samoa and Saint Kitts and Nevis). As for Kenya and Nigeria, quantities of 243 274 and 519 348 tonnes, respectively, were given in their most recent reports.
- 2.10 A further 14 States have not submitted oil reports for four or more years. One of these States (Bahrain) has outstanding reports in respect of both the 1971 Fund and the 1992 Fund for a total of 11 years. Of the remaining 13 States, two have outstanding reports in respect only of the 1971 Fund and 11 in respect only of the 1992 Fund. No reports have been submitted by six States since they became Members of the 1992 Fund: Dominican Republic (nine years), Comoros (eight years), Guinea (six years), United Republic of Tanzania (six years), Saint Lucia (four years) and South Africa (four years). No reports have been submitted by two States (Guyana and Mauritania) since they became Members of the 1971 Fund, and they have outstanding reports for five and seven years, respectively. Although it is expected that reports of 'nil' quantities will be submitted in respect of a number of these States, it is of concern that reports are outstanding for a number of years.

- 2.11 Despite the large number of States with outstanding reports, the financial consequences appear to be very limited. As regards the 1992 Fund, for example, those States which have submitted reports for 2007 represent some 99.28% of the expected total contributing oil (cf document 92FUND/A.13/15, Annex I). A further seven States (Algeria, Cameroon, Colombia, Kenya, Mauritius, Nigeria and Venezuela) which have all submitted reports within the last three years, represent the remaining 0.72%. Of those States which have never submitted reports to either the 1971 Fund or the 1992 Fund, it is expected that few receive contributing oil in significant quantities.
- 2.12 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.
- 2.13 At their October 2005 sessions, the governing bodies instructed the Director to proceed with a number of measures to assist States to submit oil reports (documents 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). One of these measures was the establishment of an electronic reporting system for the submission of reports on contributing oil, similar to the one which has been developed in respect of the HNS Convention. At their October 2007 sessions, the governing bodies noted that the Secretariat hoped that a trial version of such a system would be available for demonstration to the governing bodies at their October 2008 sessions, at the latest (documents 92FUND/A.12/28, paragraph 13.10, SUPPFUND/A.3/20, paragraph 12.11 and 71FUND/AC.22/18, paragraph 11.10). Regrettably, this has not been possible due to staff shortages in the External Relations and Conference Department, however it is intended that this project will be a priority during 2009.
- 2.14 The Director will pursue his efforts to obtain the outstanding reports, taking into account any discussions at the October 2008 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	11	0	1997	1997-2007
Dominican Republic	9	No reports received		1999-2007
Comoros	8	No reports received		2000-2007
Cambodia < <sup>1</sup> >	7			2001-2007
Grenada	7	0		2001-2007
Mauritania	7	No reports received	1995-2001	
Guinea	6	No reports received		2002-2007
United Republic of Tanzania	6	No reports received		2002-2007
Guyana	5	No reports received	1997-2001	
Oman	4	0		2004-2007
Papua New Guinea	4	0		2004-2007
Saint Lucia	4	No reports received		2004-2007
South Africa	4	No reports received		2004-2007
Tuvalu	4	0		2004-2007
Belize	3	0		2005-2007
Congo	3	0		2005-2007
Kenya	3	243 274		2005-2007
Maldives	3	0		2005-2007
Saint Kitts and Nevis	3	0		2005-2007
Djibouti	2	0		2006-2007
Luxembourg	2	0		2005-2006
Mozambique	2	0		2006-2007
Nigeria	2	519 348		2006-2007
Samoa	2	0		2006-2007
Algeria	1	801 108		2007
Argentina	1	18 004 478		2005
Colombia	1	328 782		2007
Indonesia	1	12 006 831	1998	
Kuwait	1	0	2001	
Mauritius	1	0		2007
Panama	1	3 703 234	1998	
Sierra Leone	1	0		2007
Venezuela	1	8 356 267		2007

<<sup>1</sup>> Reports for 2001-2006 received but incomplete