



INTERNATIONAL
OIL POLLUTION
COMPENSATION
FUND 1971

ASSEMBLY
19th session
Agenda item 1

71FUND/A.19/1
15 July 1996

Original: ENGLISH

**PROVISIONAL ANNOTATED AGENDA OF THE
NINETEENTH SESSION OF THE ASSEMBLY
OF THE 1971 FUND**

to be held at the Headquarters of the
International Maritime Organization, 4 Albert Embankment,
London SE1, from Tuesday 22 October, 2.30 pm,
to Friday 25 October 1996

Opening of the Session

Procedural Matters

1 Adoption of the Agenda

2 Election of the Chairman and two Vice-Chairmen

In accordance with Article 18.1 of the 1971 Fund Convention and Rule 20 of the Rules of Procedure, the Assembly will be invited to elect a Chairman and two Vice-Chairmen who shall hold office until the next regular session.

3 Examination of credentials

In accordance with Rule 10 of the Rules of Procedure, the Director will report to the Assembly on the credentials received from representatives of Members.

*General review***4 Report of the Director**

The Assembly may wish to consider the Director's report on the operations of the 1971 Fund since the 18th session of the Assembly (document 71FUND/A.19/2).

*Financial matters***5 Report on investments**

In accordance with Financial Regulation 10.2, the Director will submit a detailed report on the 1971 Fund's investments since the 18th session of the Assembly (document 71FUND/A.19/3).

6 Report of the Investment Advisory Body

In accordance with the mandate of the Investment Advisory Body, the Body shall submit, through the Director, to each ordinary session of the Assembly, a report on its activities since the previous session of the Assembly. The Assembly will be invited to consider this report (document 71FUND/A.19/4).

7 Financial Statements and Auditor's Report and Opinion

In accordance with Article 29.2(f) of the 1971 Fund Convention, the Director has prepared the Financial Statements of the 1971 Fund for the financial year 1995. According to Financial Regulation 13.9, the External Auditor shall transmit his Report on the Financial Statements to the Chairman of the Assembly not later than 30 June following the end of the accounting year. The Assembly will be invited to consider the Auditor's Report and Opinion and to approve the accounts of the 1971 Fund (document 71FUND/A.19/5).

8 Appointment of members of the Investment Advisory Body

The Investment Advisory Body shall be composed of three experts appointed by the Assembly for one year. The Assembly will be invited to appoint members of the Investment Advisory Body for the 1971 Fund (document 71FUND/A.19/6).

9 Audit Committee

At its 2nd extraordinary session, the Assembly considered a proposal by the Chairman that the 1971 Fund should establish an Audit Committee in order to strengthen the involvement of Member States in the monitoring of the operations of the 1971 Fund and to increase the transparency of the latter. The Assembly instructed the Director to study this issue further, and to submit a revised mandate of such a Committee to the Assembly for consideration at its 19th session (document 71FUND/A.19/7).

Contribution questions

10 Report on contributions

The Director will submit a report to the Assembly on the payment of contributions to the 1971 Fund (document 71FUND/A.19/8).

Secretariat and administrative matters

11 Secretariat functions after the transitional period

The Assembly considered, at its 2nd extraordinary session, the question of when there should be a transition from the 1992 Fund being administered by the 1971 Fund Secretariat to a situation when the 1992 Fund would have its own Secretariat. The Assembly instructed the Director to study the question of Secretariat functions after the expiry of the transitional period, and to report to the Assembly at its 19th session (document 71FUND/A.19/9).

12 Secretariat resources

At its 2nd extraordinary session, the Chairman raised the question of whether there was a need to strengthen and restructure the resources of the Secretariat. The Assembly will be invited to consider a proposal by the Director concerning the Secretariat requirements for the coming years (document 71FUND/A.19/10).

13 Amendments to the Staff Rules

The Director will report to the Assembly on amendments to the Staff Rules issued by him in accordance with Staff Regulation 31, including those amendments required in the light of the amendments to the Staff Regulations adopted by the Assembly at its 2nd extraordinary session (document 71FUND/A.19/11).

14 Lease agreement with the International Maritime Organization

At its 2nd extraordinary session, the Assembly authorised the Director to agree with the Secretary-General of the International Maritime Organization (IMO) on the text of letters which would be exchanged in order to extend the application of the lease Agreement, licence to occupy and sublease relating to the premises of the 1971 Fund so that these documents would cover also the activities of the 1992 Fund. The Director will report on this matter (document 71FUND/A.19/12).

15 Appointment of a substitute member of the Appeals Board

At its 18th session, the Assembly appointed members and substitute members of the IOPC Fund's Appeals Board for a term of two years. Since that session, the Director has been notified of the resignation of one of the substitute members. The Assembly will be invited to appoint a replacement in accordance with Section II(c) of the Statute of the Appeals Board (document 71FUND/A.19/13).

16 Legal status of the Provident Fund

The Assembly decided at its 16th session that the status of the Provident Fund should be clarified, and agreed in principle that the Provident Fund should be constituted as a trust. The Assembly instructed the Director to study in depth the various legal and practical problems involved, in consultation with the External Auditor. At its 18th session, the Assembly instructed the Director to pursue his discussions with the United Kingdom Government on certain problems which had arisen in respect of exemption of the proposed Provident Fund Trust from United Kingdom taxation. The Director will submit a document concerning the developments on this matter (document 71FUND/A.19/14).

*Compensation matters***17 Reports of the Executive Committee on its 45th - 50th sessions**

According to Article 18.12 of the 1971 Fund Convention, the Assembly has to review and approve the reports on the activities of the Executive Committee. The reports on the Committee's 45th to 50th sessions will be presented to the Assembly by the Committee's Chairman (documents FUND/EXC.45/3, FUND/EXC.46/12, FUND/EXC.47/14, FUND/EXC.48/6 and 71FUND/EXC.49/12 in respect of the sessions held prior to the issuance of the present document).

18 Election of members of the Executive Committee

Pursuant to Article 23.1 of the 1971 Fund Convention, the Assembly will be invited to elect new members of the Executive Committee. The Director will submit a document containing the necessary information (document 71FUND/A.19/15).

19 Distribution of documentation for the Executive Committee

At its 2nd extraordinary session, the Assembly instructed the Director to study the question of which guidelines should apply for the distribution of documentation for sessions of the Executive Committee, and to report to the Assembly at its 19th session (document 71FUND/A.19/16).

20 Co-operation with P & I clubs

In November 1980, the 1971 Fund and the International Group of P & I Clubs signed a Memorandum of Understanding concerning co-operation in the handling of incidents. In addition, the 1971 Fund and the Japan Ship Owners' Mutual Protection and Indemnity Association (JPIA) signed a similar Memorandum of Understanding in November 1985. The Director will submit a document on the application of these Memoranda to co-operation between the 1992 Fund and the P & I Clubs concerned (document 71FUND/A.19/17).

21 Claims Manual

At its 2nd extraordinary session, the Assembly agreed that the 1971 Fund and the 1992 Fund should publish a joint Claims Manual. The Director will submit a draft text for consideration by the Assemblies of the two Organisations (document 71FUND/A.19/18).

22 Investigations into the cause of incidents

At its 18th session, the Assembly considered a report on the work of a correspondence group of interested Member States on the problems encountered in different States concerning the various procedures and investigations carried out following an incident. The Assembly invited the United Kingdom delegation to continue to lead the correspondence group. That delegation will submit a report to the Assembly (document 71FUND/A.19/19).

Budgetary matters

23 Sharing of joint administrative costs with the 1992 Fund

The Assembly will be invited to consider how the joint administrative costs should be apportioned between the 1971 Fund and the 1992 Fund for 1997 (document 71FUND/A.19/20).

24 Budget for 1997

A draft budget for the 1971 Fund for the calendar year 1997 will be submitted to the Assembly for consideration and adoption, in accordance with Article 12 of the 1971 Fund Convention (document 71FUND/A.19/21).

25 Assessment of annual contributions

In accordance with Article 12 of the 1971 Fund Convention, the Assembly will be invited to decide on the assessment of annual contributions to the 1971 Fund. The Director will submit a document on this matter (document 71FUND/A.19/22).

Treaty questions

26 Replacement of instruments enumerated in Article 5.3 of the 1971 Fund Convention

At its 18th session, the Assembly decided not to include the November 1994 Amendments to MARPOL 73/78 adopted by the Conference of Parties to that Convention in the list of instruments contained in Article 5.3(a) of the 1971 Fund Convention, because they were not considered relevant for the purposes of Article 5.3 of the Convention. Nevertheless, the Assembly instructed the Director to study further the relevance of these Amendments for the purposes of Article 5.3 of the 1971 Fund Convention. The Director will report to the Assembly on the results of his study. In addition, the Assembly will be invited to examine whether to include certain other amendments to the instruments listed in Article 5.3 of the 1971 Fund Convention (document 71FUND/A.19/23).

27 Status of the 1992 Civil Liability Convention and 1992 Fund Convention and related matters

The Director will inform the Assembly of the progress being made in various States towards ratification of the 1992 Protocols amending the 1969 Civil Liability Convention and the 1971 Fund Convention (ie the 1992 Civil Liability Convention and the 1992 Fund Convention) (document 71FUND/A.19/24).

*Other matters***28 Date of next session**

Article 19 of the 1971 Fund Convention provides that the Assembly shall have regular sessions once every calendar year. In accordance with the Assembly's wish to hold its regular sessions normally in September/October each year, tentative arrangements have been made with IMO for a session in this period in 1997.

29 Any other business

The Assembly will be invited to consider other matters which may be proposed by Member States or by the Director.

30 Adoption of the Record of Decisions of the 19th session

Rule 27 of the Rules of Procedure provides that the Secretariat shall prepare a Record of Decisions of the session. The Assembly will be invited to adopt this Record of Decisions.
