



INTERNATIONAL
OIL POLLUTION
COMPENSATION
FUND

ASSEMBLY
7th session
Agenda item 16

FUND/A.7/14
15 October 1984

Original: ENGLISH

RECORD OF DECISIONS OF THE SEVENTH SESSION OF THE ASSEMBLY
(held from 10 to 12 October 1984)

Opening of the Session

The seventh session of the Assembly was opened by Mr J Bredholt (Denmark), in his capacity as representative of the delegation from which the Chairman of the previous session was elected.

1 Adoption of the Agenda (Agenda item 1)

The Assembly adopted the Agenda as contained in document FUND/A.7/1.

2 Election of the Chairman and Two Vice-Chairmen (Agenda item 2)

The Assembly elected the following delegates to hold office until the next regular session of the Assembly:

Chairman:	Mr J Bredholt (Denmark)
First Vice-Chairman:	Professor H Tanikawa (Japan)
Second Vice-Chairman:	Mr C Douay (France)

3 Examination of Credentials (Agenda item 3)

The following Contracting States were present:

Algeria	Kuwait
Bahamas	Liberia
Denmark	Monaco
Fiji	Netherlands
Finland	Norway
France	Spain
Gabon	Sri Lanka
Germany, Federal Republic of	Sweden
Indonesia	Syrian Arab Republic
Italy	United Kingdom
Japan	

The Assembly took note of the information given by the Director that all Members participating had submitted credentials which were in order.

The Chairman referred to document FUND/A.7/13 in which the Director had informed the Assembly of his invitation to the Chinese Government to be represented as observers at meetings of the IOPC Fund. The Chairman welcomed China's interest in the Fund Convention. The Assembly approved the grant of observer status to China.

The following States were represented as observers:

Brazil	Ireland
Canada	Poland
China	USA

The following inter-governmental and international non-governmental organisation participated as observers:

International Maritime Organization (IMO)
International Chamber of Shipping (ICS)
International Group of P & I Clubs
International Tanker Owners' Pollution Federation Ltd (ITOPF)
Oil Companies Institute for Marine Pollution Compensation Ltd
(CRISTAL)
Oil Companies International Marine Forum (OCIMF)

4 Consideration of the Report of the Director (Agenda item 4)

4.1 The Director introduced document FUND/A.7/2. The Chairman, on behalf of the Assembly, expressed his gratitude to the Director and his staff for the efficient way in which they had administered the IOPC Fund.

4.2 In considering the report of the Director, the Assembly urged all Member States to take the necessary steps to ensure that all reports on contributing oil receipts within their respective territories were submitted to the IOPC Fund by the date stipulated in Internal Regulation 5.1.

4.3 The Assembly noted that the Diplomatic Conference held in May 1984 had adopted Resolution N°3 as contained in Annex I to document FUND/A.7/2, requesting the Assembly to authorise and instruct the Director to perform certain functions with regard to the entry into force of the Protocol of 1984 to the Fund Convention. The Assembly considered that, for the time being, it would not be appropriate to take any decision in this regard.

4.4 The Assembly acknowledged the Secretariat's efforts to use the word processor to its full potential, and welcomed, in particular, the new presentation of the Internal, Financial and Staff Regulations and Rules of the IOPC Fund. It was appreciated that the word processor had been a considerable help to the smooth running of the Organisation.

4.5 The Assembly noted the changes which had occurred with regard to personnel in the Organisation, in particular the employment of a new Messenger, following the resignation of the previous incumbent.

4.6 The Assembly appreciated the Director's statement that all international Organisations enjoying observer status with the IOPC Fund had participated in the IOPC Fund's work and that the IOPC Fund had benefited from their contribution. It took note of the Director's comment that, in his opinion, it was regrettable that so far no international organisations concerned with the environmental aspects of oil pollution had requested observer status with the IOPC Fund.

5 Consideration of the Report on Investments (Agenda item 5)

The Assembly took note of the Director's report on investments as contained in document FUND/A.7/3.

6 Consideration of the External Auditor's Report
(Agenda item 6)

The Director introduced document FUND/A.7/4 containing the External Auditor's Report on the Financial Statements of the IOPC Fund for the period ended 31 December 1983. The Assembly took note of the information given and noted with appreciation the External Auditor's correct certificate contained in the Annex to this document. It approved the accounts of the IOPC Fund for the financial period 1 January 1983 to 31 December 1983.

7 Report on Contributions (Agenda item 7)

7.1 The Assembly took note of the Director's report on contributions as contained in document FUND/A.7/5 and of his additional information on payments which had been made since the publication of that document. The Assembly expressed its satisfaction with the positive response of contributors in Member States regarding the payment of contributions, especially in view of the much higher contributions required for the TANIO major claims fund. The Liberian delegation stated that they regretted that Liberia had not yet paid their annual contributions 1983. They promised that every effort would be made to ensure that these will soon be paid.

7.2 The Assembly discussed the note contained in Chapter 2 of document FUND/A.7/5 regarding actions that the IOPC Fund may take against contributors in arrears. It generally agreed with the considerations contained therein.

The Assembly reiterated its deep concern with regard to the failure of the Government of Ghana to effect payment of the contributions due under the Fund Convention. It regretted that Ghana was not represented at this Assembly session to explain to the Assembly the reasons why no contributions had been paid by Ghana since 1980. The Assembly urged the Director to continue in his persistent efforts to obtain payment.

8 Appointment of Director (Agenda item 8)

8.1 At the invitation of the Chairman, the Swedish delegation put forward the nomination of Mr Måns Jacobsson for the post of Director. This nomination was supported by the representatives of Finland, France, Gabon, Federal Republic of Germany, Indonesia, Italy, Liberia, Netherlands and United Kingdom, who all expressed their confidence in Mr Jacobsson's ability to fulfil the duties of the Director of the IOPC Fund in a most able way. There were no nominations of other candidates. The Assembly unanimously elected Mr Måns Jacobsson to serve as the Director of the IOPC Fund from 1 January 1985.

The Assembly approved the proposal made by the Chairman that the new Director should be given a fixed-term contract for a period of five years on the same basis as the present Director's contract, ie with a salary based on level D.2 of the United Nations salary scale, beginning at Step I, and a representation allowance of US \$4 000 per annum.

The Director designate accepted the appointment and expressed his gratitude for the confidence shown in him. He then made the declaration as laid down in Staff Regulation 2.

8.2 The Assembly noted with appreciation and approved the Chairman's intention to give, on behalf of the IOPC Fund, a farewell reception to the outgoing Director. He invited all delegates to this reception, to which all IMO Staff would also be invited, on 12 December 1984 in the delegates lounge of the IMO building.

9 Consideration of the Reports of the Executive Committee on its 11th and 12th Sessions (Agenda item 9)

9.1 The Chairman of the Executive Committee, Mr H Mutttilainen (Finland), reported to the Assembly on the work of the Executive Committee during its 11th and 12th sessions and reported to the Assembly the decisions taken by the Executive Committee at these sessions.

9.2 The Chairman expressed the thanks of the Assembly to the Chairman of the Executive Committee for the work of the Committee achieved under his Chairmanship.

10 Election of Members of the Executive Committee
(Agenda item 10)

The Assembly elected the following Contracting States as members of the Executive Committee:

Elected under
Article 22.2(b) of
the Fund Convention

France
Germany, Federal Republic of
Italy
Netherlands
United Kingdom

Elected under
Article 22.2(a) of
the Fund Convention

Finland
Gabon
Indonesia
Kuwait
Sri Lanka

11 Budget 1985 (Agenda item 11)

11.1 The Director introduced document FUND/A.7/8 regarding the Budget 1985 and document FUND/A.7/8/1 with regard to a Supplementary Budget for 1984.

11.2 The Assembly adopted the budget appropriations for 1985 as contained in the Annex to document FUND/A.7/8. It expressed its appreciation for the fact that the Director had been able to submit a Budget containing appropriations totalling less than those of the 1984 Budget.

11.3 The Assembly also adopted the Supplementary Budget appropriations for 1984 as contained in document FUND/A.7/8/1. In this respect some delegations expressed their regret that it had been necessary for the Director to request this Supplementary Budget because IMO had not been able to submit to the IOPC Fund an account for the service charges regarding the IOPC Fund's accommodation within such a time as to allow the Director to settle this account from the relevant Budget.

The representative of IMO explained that the delay in submitting the account for service charges to the IOPC Fund had largely been due to the complicated method of calculation. He expressed his confidence that such a delay would not occur under the new system of calculating these charges, as agreed between IMO and the IOPC Fund.

12 Assessment of Annual Contributions (Agenda item 12)

The Director introduced document FUND/A.7/9. The Assembly adopted the Director's proposal that no annual contributions be levied in 1984.

13 Amendment of Staff Regulations and Rules (Agenda item 13)

13.1 The Director introduced document FUND/A.7/10 explaining the practices of IMO and other inter-governmental organisations based in London regarding loans to staff members for the purchase of houses and related purposes. The Assembly agreed to the establishment of a loan scheme within the parameters outlined in paragraph 4 of that document. The Assembly adopted the amendment to the Staff Rules as proposed by the Director.

13.2 The Assembly noted the recommendations for changes in the Statutes of the Appeals Board made by the Director, after consultation with the Chairman of the Appeals Board, and adopted the amendments as contained in document FUND/A.7/10/1.

14 Date of Next Session (Agenda item 14)

The Assembly decided to hold its next ordinary session during the week 30 September to 4 October 1985 in London.

15 Any Other Business (Agenda item 15)

15.1 Amendment of Financial Regulations

Document FUND/A.7/11 was introduced by the Director and additional explanations were given by the representative of the IOPC Fund's External Auditor as to the advisability of a change from a correct certificate to an audit opinion on the IOPC Fund's Financial Statements. The Assembly adopted the amendments to the Financial Regulations as contained in document FUND/A.7/11.

15.2 1984 Fund Convention

The delegation of France introduced document FUND/A.7/12. The Assembly decided not to have a substantive discussion of the subject raised in this document during this session. It left it to the 8th session of the Assembly in autumn 1985 to decide whether, during that meeting, a working group should be set up to consider the questions raised in the document. The document should be resubmitted to that Assembly, and the Director should, in his invitation for the Assembly, refer to the possibility of a working group being convened, during that meeting week, to discuss this matter.

With regard to document FUND/A.7/12, the representative of ICS pointed out that the document was unclear in its terminology since it did not make the necessary distinction between the territory (including the territorial waters) of a Contracting State and its exclusive economic zone.

15.3 Amounts of Compensation under the 1971 Fund Convention

The delegation of the United Kingdom brought to the attention of the Assembly the fact that Article 4.6 of the 1971 Fund Convention gave the Assembly the authority to raise the limits of compensation payable under the Fund Convention and that this possibility should not be overlooked when considering the need for higher compensation limits.

15.4 Appeals Board Membership

The Assembly appointed Mr A Perera to replace Mr V Vamadeva, who had left London, as a member of the Appeals Board of the IOPC Fund.

15.5 Replacement of Instruments

The Director informed the Assembly that Amendments to the International Convention for the Safety of Life at Sea, 1974 (SOLAS 1974), adopted by the Maritime Safety Committee of IMO in 1981, had entered into force in September 1984 under the amendments procedures of SOLAS 1974. The Assembly discussed the possibility of including these 1981 Amendments in the list of Conventions contained in Article 5.3(a) of the Fund Convention. However, the Assembly agreed that no urgent action was required and that the subject should be dealt with at its next session in September 1985.

16 Adoption of the Report of the Seventh Session
(Agenda item 16)

16.1 The draft report, as contained in document FUND/A.7/WP.1, was adopted, subject to some drafting amendments.

16.2 The Assembly expressed its deep appreciation to the incumbent Director, Dr Reinhard H Ganten, for his valuable work during his six years with the IOPC Fund. He had established the Organisation and had elaborated efficient procedures for paying compensation promptly to victims of oil pollution incidents. The Assembly expressed its sincere gratitude to Dr Ganten.
