71/7

INTERNATIONAL
OIL POLLUTION
COMPENSATION
FUND

ASSEMBLY
2nd extraordinary session
Agenda item 1

71FUND/A/ES.2/1
15 March 1996

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PROVISIONAL ANNOTATED AGENDA OF THE SECOND EXTRAORDINARY SESSION OF THE ASSEMBLY OF THE INTERNATIONAL OIL POLLUTION COMPENSATION FUND, 1971

to be held at the Headquarters of the
International Maritime Organization, 4 Albert Embankment,
London SE1, from Tuesday 25 June 1996, 9.30 am,
to Friday 28 June 1996

Opening of the Session

Procedural Matters

1 **Adoption of the Agenda**

2 **Non-contracting States to be invited as observers**

The Assembly may wish to consider whether States Parties to the 1992 Fund Convention which are not Contracting States to the 1971 Fund Convention, and other States which would be invited to send observers to meetings of the Assembly of the 1992 Fund and which do not at present have observer status with the 1971 Fund, should be admitted to take part, without voting rights, in meetings of the Assembly and subsidiary bodies of the 1971 Fund (document 71FUND/A/ES.2/2).

3 **Grant of observer status to the 1992 Fund**

The Assembly will be invited to consider granting observer status to the 1992 Fund (document 71FUND/A/ES.2/3).

Note In the present document, the following terminology has been used:
1971 Fund - the Organisation (IOPC Fund) established under the 1971 Fund Convention
1992 Fund Convention - the 1971 Fund Convention as amended by the 1992 Protocol thereto
1992 Fund - the Organisation established under the 1971 Fund Convention as amended by the 1992 Protocol thereto

4 Amendment of Rules of Procedure

The Assembly will be invited to consider amending the Rules of Procedure of the Assembly and the Executive Committee (document 71FUND/A/ES.2/4).

General questions

5 General principles

The Assembly will be invited to consider certain matters of a general nature, relevant to subsequent agenda items (document 71FUND/A/ES.2/5).

Secretariat and Headquarters matters

6 Joint Secretariat with the 1992 Fund

In Resolution 2, the 1992 International Conference which adopted the 1992 Protocol to the 1971 Fund Convention requested that the Assembly of the 1971 Fund should authorise and instruct its Director to perform, in addition to his functions under the 1971 Fund Convention, duties under the 1992 Fund Convention, provided that the interests of the Parties to the 1971 Fund Convention were not unduly affected.

Two possible solutions as to Secretariat functions may be considered. One solution would be for the 1992 Fund to have a Secretariat totally separate from that of the 1971 Fund. The other option would be for a joint Secretariat to administer both the 1971 Fund and the 1992 Fund, and for the Director of the 1971 Fund to be also the Director of the 1992 Fund. It should be noted that the 1992 Fund Convention contains a provision to the effect that, during the period when both the 1971 Fund Convention and the 1992 Fund Convention are in force, the Secretariat and Director of the 1971 Fund may function also as the Secretariat and Director of the 1992 Fund (Article 36 quater (a)) (document 92FUND/A.1/8).

If the Assembly of the 1992 Fund were to decide that it would be preferable to have a joint Secretariat to administer both the 1971 Fund and the 1992 Fund, the Assembly would be invited to consider certain questions which would arise for the 1971 Fund (document 71FUND/A/ES.2/6).

7 Director's contract

The Assembly may wish to consider whether, following any decision taken by the 1992 Fund concerning the appointment of a Director, there would need to be any amendments to the contract of the present Director of the 1971 Fund (document 71FUND/A/ES.2/7).

8 Amendment of Staff Regulations

If it were decided that the 1971 Fund and the 1992 Fund should have a joint Secretariat (cf agenda item 6 above), the Assembly might wish to consider amending the Staff Regulations in order to allow members of the 1971 Fund Secretariat to act also for the 1992 Fund (document 71FUND/A/ES.2/8).

9 **Sharing of joint administrative costs with the 1992 Fund**

If it were decided that the 1971 Fund and the 1992 Fund should have a joint Secretariat (cf agenda item 6 above), the Assembly would be invited to consider how to apportion joint administrative costs between the two Organisations (document 71FUND/A/ES.2/9).

10 **Lease agreement with the International Maritime Organization**

The Assembly would be invited to consider necessary amendments to the lease agreement with IMO governing the lease of office space in the IMO building, if it were decided that the 1971 Fund and the 1992 Fund should have a joint Secretariat (cf agenda item 6 above) (document 71FUND/A/ES.2/10).

Contribution questions

11 **Levying of contributions**

Certain questions relating to arrangements for levying contributions to the 1971 Fund will be submitted to the Assembly for consideration (document 71FUND/A/ES.2/11).

Compensation matters

12 **Criteria for the admissibility of claims**

The Assembly will be invited to consider the question of consistency of the 1971 Fund's policy on the admissibility of claims for compensation with that of the 1992 Fund (document 71FUND/A/ES.2/12).

13 **Claims Manual**

The Assembly will be invited to consider whether the 1971 Fund should publish a Claims Manual jointly with the 1992 Fund (document 71FUND/A/ES.2/13).

14 **Sharing of joint costs in respect of incidents involving both the 1971 Fund and the 1992 Fund**

The Assembly will be invited to consider how to apportion joint costs in respect of incidents involving both the 1971 Fund and the 1992 Fund in the light of the decision taken by the 1992 Fund Assembly in respect of Secretariat functions (cf agenda item 6 above) (document 71FUND/A/ES.2/14).

Operational questions

15 **Amendment of Internal Regulations**

The Assembly may wish to consider amending the Internal Regulations (document 71FUND/A/ES.2/15).

16 **Amendment of Financial Regulations**

The Assembly will be invited to consider amending the Financial Regulations (document 71FUND/A/ES.2/16).

Financial matters

17 **Loans to the 1992 Fund**

The Assembly will be invited to consider any request made by the 1992 Fund to make funds available to the 1992 Fund in the form of loans, until the 1992 Fund has received contributions levied under the 1992 Fund Convention (document 71FUND/A/ES.2/17).

General administrative matters

18 **Annual reports**

The Assembly will be invited to consider whether the annual report of 1971 Fund should be published in conjunction with the annual report of the 1992 Fund (document 71FUND/A/ES.2/18).

19 **Other administrative matters**

Other matters of a general administrative nature arising as a result of the establishment of the 1992 Fund will be submitted to the Assembly for consideration (document 71FUND/A/ES.2/19).

Treaty questions

20 **Compulsory denunciation of the 1969 Civil Liability Convention and 1971 Fund Convention**

The Assembly will be invited to consider certain questions relating to the compulsory denunciation of the 1969 Civil Liability Convention and the 1971 Fund Convention in accordance with Article 31 of the Final Clauses of the 1992 Protocol to the Fund Convention (document 71FUND/A/ES.2/20).

Other matters

21 **Any other business**

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

22 **Adoption of the Report of the 2nd extraordinary session**

Rule 27 of the Rules of Procedure provides that the Secretariat shall prepare a report of the session incorporating the decisions taken. The Assembly will be invited to adopt this report.