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## NON-SUBMISSION OF OIL REPORTS

### Note by the Director

<b>Summary:</b>	A total of 32 States have outstanding oil reports for the year 2001: 16 States in respect of the 1971 Fund and 20 States in respect of the 1992 Fund. A number of States have reports outstanding for many years.
<b>Action to be taken:</b>	Consider what measures, if any, can be taken to ensure that Member States submit their outstanding oil reports.

### 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 2001, the governing bodies considered the matter again and discussed what further measures could be taken to resolve the problem but concluded that in the short term little more could be done than to instruct the Secretariat to make all practicable efforts to obtain reports (documents 92FUND/A.6/28, paragraph 15.7 and 71FUND/AC.6/A.24/22, paragraph 14.7).
- 1.2 The governing bodies decided, however, that a letter should be sent from the Chairmen on behalf of the governing bodies to the Governments of States which had outstanding oil reports, emphasising the governing bodies' serious concerns, requesting an explanation as to why reports had not been submitted and explaining the procedure for submission of oil reports. The Director was instructed to prepare such a letter. He was further instructed to report to the governing bodies

at their next session on the answers received (documents 92FUND/A.6/28, paragraph 15.8 and 71FUND/AC.6/A.24/22, paragraph 14.8).

- 1.3 This document sets out the situation with regard to the non-submission of oil reports in respect of the 1971 Fund and of the 1992 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 Letters from the Chairmen of the governing bodies dated November and December 2001 were sent to the Governments of 23 States with outstanding oil reports. Only three direct responses to these letters were received, although it is possible that subsequent submissions of oil reports were a result of these letters.
- 2.2 In letters dated 15 January 2002 Member States were invited to submit to the Secretariat their reports on contributing oil received in 2001. Competent authorities were reminded that the governing bodies considered the non-submission of oil reports to be a matter of serious concern to other Member States and in particular to contributors in those States, since without oil reports the Secretariat could not issue invoices for contributions.
- 2.3 Reminder letters dated August 2002 were sent to the competent authorities of States with outstanding reports. Following these letters, reports in respect of some States have been submitted to the Secretariat.
- 2.4 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.
- 2.5 At present oil reports are outstanding for the year 2001 in respect of 16 former Member States of the 1971 Fund and in respect of 20 of the present 68 Member States of the 1992 Fund, as set out in the Annex.
- 2.6 In the case of twelve 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 the respective outstanding reports. Furthermore, it is expected that 'nil' quantities will be reported in respect of seven of these States.
- 2.7 Reports for two or three years are outstanding in respect of nine States. Four of these States (Comoros, Dominican Republic, Georgia and Trinidad and Tobago) have not submitted any reports since becoming a Member of the 1992 Fund and they were not previously 1971 Fund Members. The other five States have outstanding reports in respect of the 1971 Fund and two of them also have outstanding reports in respect of the 1992 Fund. It is expected that 'nil' quantities will be reported in respect of two of these five States. As for India and Morocco, a quantity of some 57 335 000 and 6 000 000 tonnes respectively was received when reports were last submitted.
- 2.8 A further 12 States have not submitted oil reports for four or more years. Two of these States have outstanding reports in respect of both the 1971 Fund and the 1992 Fund. The remaining 10 States have outstanding reports in respect only of the 1971 Fund, however three of these States (Gabon, Mozambique and Nigeria) will become Members of the 1992 Fund during 2002.
- 2.9 The Director is particularly anxious to receive reports from Gabon (which has 14 years of outstanding reports), the Syrian Arab Republic (12 years) and Nigeria (six years). When these three States last submitted oil reports, quantities of approximately 400 000, 400 000 and

700 000 tonnes, respectively, were reported. If the quantities remain the same for the 'missing' years, a substantial amount is due to be invoiced to the contributors in those three States. With regard to Guyana (which has five years of outstanding reports), Mozambique (six years), Mauritania (seven years), Albania (nine years) and Sierra Leone (ten years), the Director is particularly concerned that no reports have been submitted by these States since they became Members of the 1971 Fund. Although it is expected that reports of 'nil' quantities will be submitted in respect of three States (Bahrain, Kuwait and the Maldives), it is of considerable concern that reports are outstanding for several years for these States.

- 2.10 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, as States which have outstanding reports in respect of the 1971 Fund become Members of the 1992 Fund.
- 2.11 The Director will pursue his efforts to obtain the outstanding reports. In the light of discussions at previous sessions of the Funds' governing bodies, it would appear that persistency is the only option available to the Secretariat.

**3 Action to be taken by the governing bodies**

The governing bodies are invited:

- (a) to take note of the information contained in this document; and
- (b) to consider what measures, if any, can be taken to ensure that Member States submit their outstanding oil reports.

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## ANNEX

State	Number of outstanding reports	Quantity given in most recent report (tonnes)	Years for which reports outstanding	
			1971 Fund	1992 Fund
Gabon*	14	400 000	1988-2001	2001
Syrian Arab Republic	12	400 000	1990-2001	
Sierra Leone	10	No reports received	1992-2001	
Albania	9	No reports received	1993-2001	
Mauritania	7	No reports received	1995-2001	
Mozambique*	6	No reports received	1996-2001	
Nigeria*	6	700 000	1986, 1997-2001	
Bahrain	5	0	1997-1998	
Guyana	5	No reports received	1997-2001	
Kuwait	5	0	1997-2001	
Maldives	5	0	1997-2001	
Côte d'Ivoire	4	3 000 000	1998-2001	
Benin	3	0	1999-2001	2001
Dominican Republic	3	No reports received		
Morocco	3	6 000 000	1999-2001	
Comoros	2	No reports received		
Georgia	2	No reports received		
India	2	57 335 000	2000	
Panama	2	2 306 658	1998	
Trinidad and Tobago	2	No reports received		
Tuvalu	2	0	2000 - 2001	
Argentina	1	11 538 827		2001
Barbados	1	0		2001
Belize	1	0		2001
Colombia	1	717 229	2001	2001
Djibouti	1	0	2001	2001
Fiji	1	0		2001
Grenada	1	0		2001
Indonesia	1	12 000 000	1998	
Oman	1	0		2001
Papua New Guinea	1	0		2001
Russian Federation	1	1 998 890		2001
Uruguay	1	1 731 170		2001

\* Will become a Member of the 1992 Fund during 2003