



INTERNATIONAL  
OIL POLLUTION  
COMPENSATION  
FUNDS 1971 AND  
1992

ASSEMBLY  
7th session  
Agenda item 15

92FUND/A.7/13  
19 September 2002  
Original: ENGLISH

ADMINISTRATIVE COUNCIL  
9th session  
Agenda item 13

71FUND/AC.9/11

## ORGANISATION OF MEETINGS

### Note by the Director

**Summary:**

The document sets out the practice as regards the organisation of work during meetings of the IOPC Funds' bodies and examines the difficulties encountered in recent years. Various ways of improving the organisation of work are discussed. The process for production and distribution of documents is discussed, and the Director considers various steps which might be taken to improve the process.

**Action to be taken:**

- (i) Take note of the information contained in this document; and
- (ii) Give the Director instructions in respect of the organisation of work during meetings and the production and distribution of documents.

### 1 Introduction

- 1.1 At the October 2000 sessions of the governing bodies of the IOPC Funds, reference was made to the organisation of work during meetings, in particular the timetable, the possibility of conducting joint meetings for matters common to the 1992 and 1971 Funds and the opportunities that the Internet could provide to speed up the distribution of documents. The Director was instructed to examine these issues (documents 92FUND/A.5/28, paragraph 17.2.9 and 71FUND/AC.2/A.23/22, paragraph 15.9).
- 1.2 The Director presented a document on these issues to the October 2001 sessions of the governing bodies (documents 92FUND/A.6/14 and 71FUND/A.24/13). In view of the limited time available the governing bodies decided not to discuss the matters relating to the organisation of the meetings at those sessions but to return to these matters at a later stage (documents 92FUND/A.6/28, paragraph 16.4 and 71FUND/AC.6/24/22, paragraph 15.4).

- 1.3 Sections 2 and 3 of the present document are largely identical to the corresponding sections in the document submitted to the October 2001 sessions with some minor modifications, except as regards the part on the issues relating to the production and distribution of documents (paragraphs 3.18 - 3.37) where the text has been expanded.

## **2 Present situation**

- 2.1 The governing bodies of the IOPC Funds hold a five day meeting every autumn (usually in October). A number of other meetings, which are normally shorter, are held during the year. A provisional schedule for these other meetings is fixed at the autumn meetings, although additional meetings are held if matters arise which necessitate consideration by Member States.
- 2.2 It has become increasingly difficult to complete the work of the autumn meetings within one week. This is partly as a result of the increased scale of the operations of the Organisations but also due to the fact that the issues involved have become more complex. The number and the length of the documents presented to these meetings have increased significantly in recent years. Meetings at other times of the year do not suffer from the same time pressure since the number of meetings and their duration can, at least to some extent, be adjusted according to the expected volume of work. Due to other commitments, delegations do however prefer to limit the number and duration of Fund meetings and where possible for these to run back-to-back with other meetings in London, such as those of the IMO Legal Committee.

## **3 Options for improving the work of meetings**

- 3.1 The objective should be that meetings of the IOPC Funds' bodies are run as efficiently as possible with optimum use of the time available. Various options relating to the organisation of work of the meetings are examined below.

### *Joint meetings of the 1992 and 1971 Funds' bodies*

- 3.2 One complication stems from the fact that as long as the 1971 Fund exists, it is necessary to hold meetings of the governing bodies of both Organisations, resulting in a number of issues being treated twice. An attempt has been made to reduce the duplication of work by issuing one document for both Organisations on issues which are identical or substantially identical for both Funds and by holding substantive discussions on such subjects by only one of the governing bodies, the governing body of the other Organisation endorsing the decision taken by the Organisation which had already considered the matter. This has however resulted in only a limited reduction in the time needed for the consideration of all issues.
- 3.3 The 1971 Fund Convention ceased to be in force on 24 May 2002. The 1971 Fund Administrative Council will in the future concentrate on issues relating to the winding-up of the 1971 Fund, but it will nevertheless have to deal with administrative and financial matters which to a large extent are common or similar for the two Organisations.
- 3.4 Some efficiency might be gained from holding joint meetings of the two Organisations. This would presuppose, however, that the respective bodies were chaired by the same person. Since the 1971 Fund no longer has any Member States, the 1971 Fund meetings would in any event have to be chaired by a representative of a former Member State. It would be possible, therefore, for the 1992 Fund Assembly and the 1971 Fund Administrative Council to be chaired by the same person. However, in the Director's view the holding of joint meetings would only result in a marginal saving of time.

*Scheduling of meetings*

- 3.5 A number of factors are taken into account when deciding the dates of meetings: the number of days required, the dates of other meetings within IMO or other intergovernmental organisations which delegates might wish to attend, and the availability of appropriate meeting rooms in the IMO building.
- 3.6 It should be noted that delegations have expressed a strong preference for the IOPC Funds' meetings, to the extent possible, being held back-to-back with meetings of the IMO Legal Committee.

*Length of autumn meetings*

- 3.7 The pressure on the autumn meetings could be reduced by increasing the length of the meetings, say from five to six or seven working days, by holding meetings during the weekend or continuing for part of the following week.

*Working hours*

- 3.8 Meetings of the IOPC Funds' bodies normally adhere to the same working hours as those of IMO, viz 09.30-12.30 and 14.30-17.30, with two coffee breaks of 30 minutes each, ie a total working time of five hours. The IOPC Funds' meetings have traditionally started at 10.00 on the first day, but the governing bodies decided at their July 2002 meetings that future meetings should commence at 9.30 on the first day also.
- 3.9 It appears that these hours are convenient for delegations for several reasons. Delegates based in London can return to their offices during the lunch break if they wish, and sufficient time is available for discussions to be held outside the formal meetings.
- 3.10 It would be possible to extend the working hours. The lunch break could be shortened and meetings could be held after 17.30. However, any extension of the total working hours would result in significantly increased costs for interpretation.
- 3.11 Any significant increase in the daily working hours would make it virtually impossible for the Secretariat to prepare the draft Records of Decisions for adoption before the end of the meetings, as is done at present. The Director believes that the practice for the governing bodies to adopt the Records of Decisions at the end of the respective meetings should be maintained, since these Records reflect decisions taken on important matters which form the basis for the Director's actions.

*Location of meetings*

- 3.12 So far all IOPC Funds' meetings have been held in the IMO building. This arrangement has a number of advantages. Although the Secretariat has relocated to Portland House, close to Victoria station, the IOPC Funds have maintained some offices in the IMO building, primarily for use during meetings.
- 3.13 Should IMO be unable to provide conference facilities on dates convenient to the Funds' bodies, there are a number of other conference facilities in London which could be used. It is estimated that holding meetings outside the IMO building would result in additional costs of between £2 500 and £5 000 per day. It may, however, be difficult to recruit interpreters for Fund meetings held at the same time as major IMO meetings. It would also be more difficult for the Secretariat to provide an efficient service to meetings held outside the IMO building.

*Timetable during meetings*

- 3.14 Several of the IOPC Funds' bodies (1992 Fund Assembly, 1992 Fund Executive Committee, 1971 Fund Administrative Council, Intersessional Working Groups) normally meet during the same week, and meetings of these various bodies alternate during the week. In order to ensure that sufficient time is available to deal with topics of particular importance, the items are not usually dealt with in the order in which they appear on the Agendas which may result in a degree of confusion for delegations.
- 3.15 The Chairmen and the Director normally agree in advance a draft timetable for each meeting, taking into account the likely time required for each topic and the constraints imposed by the working hours. However, it is impossible to predict accurately the time needed to discuss the various topics, and as a consequence the timetable has to be revised continuously during the meeting week.
- 3.16 A preliminary timetable could be made available to delegations on the IOPC Funds' website prior to the meetings and also at the opening of the meetings. Problems could arise, however, if delegates placed reliance on such a timetable, since it might very often have to be modified at short notice and delegates might then not be present when important topics are dealt with.
- 3.17 An alternative approach could be to establish a timetable for the meetings which would not normally be revised. This approach would only work, however, if it were possible to continue some sessions beyond the normal working hours, so as to make it possible to finalise the discussions on the items on the agenda which, according to the timetable, should be dealt with on a particular day. This might be difficult to arrange at short notice. The adoption of this approach could also lead to sessions finishing prematurely if the discussion of the allocated topics took less time than expected. For these reasons the Director is not in favour of this approach.

*Production and distribution of documents*

- 3.18 At the July 2002 sessions of the governing bodies, one delegation referred to the late submission of the document relating to the *Nakhodka* incident, which had given that delegation insufficient time to consider the issues that were raised in that document.
- 3.19 The Director stated that as only two months had elapsed since the governing bodies' previous session, it was inevitable that in order to reflect developments the documents would be issued shortly before the present session. He acknowledged that this caused difficulties for delegations in their preparations for the meeting, but suggested that the policy of posting documents on the website on the day of distribution went some way to alleviating the difficulties.
- 3.20 The Director would like to make the following observations on this issue.
- 3.21 As regards the Assemblies, the distribution of documents is governed by Rules 17 and 18 of the Rules of Procedure which read:

Rule 17

The provisional agenda together with supporting documents for each session shall normally be communicated by the Director to the Members at least forty-five days before regular sessions and thirty days before extraordinary sessions.

Rule 18

The Director may, with the approval of the Chairman, include any other questions which may arise between the despatch of the provisional agenda and the opening day of the session, in a supplementary provisional agenda which will be communicated to Members promptly.

3.22 With respect to the 1992 Fund Executive Committee, Rule 17 reads as follows:

The provisional agenda for each session shall normally be communicated by the Director to the members of the Executive Committee and to other Member States at least 45 days <sup><1></sup> before the session. Supporting documents should be distributed as early as possible, taking into account the need for Member States to prepare the sessions, the availability of the necessary information and the importance of claims for compensation and other urgent issues to be dealt with promptly.

- 3.23 The issue of the distribution of documents was considered by the 1992 and 1971 Fund Assemblies at their sessions in June 1996. At these sessions many delegations expressed the view that there should be deadlines for distributing documentation to be considered at any session of the Assemblies, in order to allow them time for necessary consultations. Other delegations were willing to adopt a more flexible approach, provided that documents were sent as early as possible. It was recognised, however, that different considerations applied to documentation issued in connection with incidents, where the most up-to-date information was needed to allow informed decisions to be made by the Executive Committee, and in order not to delay the settlement of claims. 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.
- 3.24 As regards documents for the 1971 Fund Executive Committee, the issue was considered at the 19th session of the 1971 Fund Assembly held in October 1996. Some delegations expressed their concern that Rule 17 of the Rules of Procedure reproduced in paragraph 3.22 above did not provide that documents should normally be distributed a certain number of days before a session. It was also stated that if delegations received documents only a few days before a session, they did not have sufficient time to prepare and to obtain appropriate instructions. Other delegations emphasised, however, that it was important that the Committee was prepared to be flexible on this point, so as to allow claims to be dealt with as promptly as possible. It was stated that the Director should endeavour to issue documents at the earliest possible opportunity, in order to give delegations the maximum time to discuss the questions under consideration and obtain instructions.
- 3.25 Invitations to meetings and agendas are sent to the Embassies or High Commissions in London which then forward them to the respective delegates. This can result in the delegates who actually attend the meetings receiving these documents late. Copies of invitations and agendas could be sent directly to delegates at the same time as to the Embassies or High Commissions, if so requested. Invitations are currently posted on the website and this has reduced the delay for delegates. A new section of the document server for circulars is being developed. As a consequence, delegates on the e-mail notification list will be automatically notified as soon as the invitations have been issued.
- 3.26 Documents are sent out in batches during the months or weeks before a meeting as and when they are ready. The Secretariat prepares first those documents which deal with matters where no further developments are likely before the sessions. A number of documents are however produced fairly late, in particular those relating to incidents. It is recognised, however, that as a result delegations may face difficulties in preparing for meetings in respect of all issues.
- 3.27 Some other organisations have laid down fixed deadlines for the submission of documents. This is the case for IMO. As regards IMO Legal Committee for example, basic and bulky documents (six pages and over) should be submitted no later than nine weeks before the meetings and other documents no later than four weeks before the meetings.

---

<sup><1></sup> In document 92FUND/A.7/15, the Director has proposed to substitute 30 days for 45 days.

- 3.28 Although the Director recognises the importance of delegations having sufficient time to prepare for the meetings, he believes that it would not be appropriate for the IOPC Funds to follow the IMO model in this regard. Firstly, the activities of the IOPC Funds are very different from those of IMO which are mainly of a regulatory nature, whereas the Funds' activities are more operational. Secondly, whereas the various bodies of IMO meet only annually or at six-month intervals, the intervals between the IOPC Funds' meetings are much shorter, sometimes only two or three months. Thirdly, whilst in IMO the great majority of all documents are submitted by governmental or observer delegations, the documents to the governing bodies of the IOPC Funds are, with very few exceptions, prepared by the Secretariat. In view of the frequency of the meetings of the governing bodies and the relatively small Secretariat, it would, in the Director's view, not be possible for the Secretariat to adhere to strict early deadlines for the submission or distribution of all documents.
- 3.29 However, the Director believes that steps could be taken which would improve the process in various ways. A working group, composed of staff from the various departments, has examined the entire issue of document production and distribution. The group has made a number of interim recommendations to the Management Team, and some of these recommendations have been adopted whereas others are being considered.
- 3.30 As regards the documents which are prepared within the Secretariat, the Director believes that significant improvements could be made by better internal planning of the various stages in the document production process. Efforts are being made to reduce the length of documents, taking into account the importance of delegations being in possession of sufficient information as a basis for discussions and decisions. Delegations will find that a number of incident-related documents presented to the October 2002 sessions are considerably shorter than has previously been the case. The shortening of documents should not only reduce the workload on the Secretariat and the volume of translations, but also facilitate preparation for the meetings by delegations. Subject to any instructions that the governing bodies may wish to give, the Director intends to continue along these lines. The Director also believes that the volume of 1971 Fund documents will decrease in the near future as the winding up process progresses.
- 3.31 As regards those issues which are common or largely common to the two Organisations, joint documents have increasingly been issued for the 1992 Fund and the 1971 Fund where appropriate. This has reduced the volume of documents to be translated and should also reduce the time spent by delegations preparing for the meetings.
- 3.32 As regards the question of deadlines for distribution of documents, the Director believes that it would be desirable for documents to be distributed to delegations no later than two weeks before the meetings. In order to enable the Secretariat to respect such a deadline in the processing of documents presented by delegations, such documents should be submitted to the Secretariat no later than three weeks before the meeting starts. Documents submitted by delegations less than three weeks but up to two working days before the meetings should, in the Director's view, be distributed if practicable. If documents were submitted very late it would not normally be possible to provide translations into the other working language(s). It would in any event be helpful if documents were submitted to the Secretariat by delegations in digital form, ie by e-mail or computer diskette.
- 3.33 As regards documents prepared within the Secretariat, the Director considers that a two-week deadline could in general work for 1992 Fund Assembly and Working Group documents and for the 1971 Fund Administrative Council documents of an administrative nature. However, it should be recognised that this approach may cause difficulties for 1992 Fund Executive Committee documents and for incident-related 1971 Fund Administrative Council documents. In some cases, developments relating to incidents may take place shortly before the meeting (eg information from Governments, court decisions, expert opinions, outcome of negotiations with claimants), especially if the meeting is held within a relatively short time after the previous session and this

information is essential for drafting a document. Although it may in some cases be appropriate to present a basic document relating to a particular incident and supplement this by an addendum, this may often not be a practical option. The workload of the Secretariat may also make it virtually impossible to finalise all incident-related documents in time for a two-week deadline to be respected. The Director believes that, in the interest of efficiency of the operations of the Organisations, and in particular in the interest of claimants, it is important that the Executive Committee and the Administrative Council are prepared to consider such documents even if they are submitted very late. Every effort will be made to have translations of such documents available to delegations no later than at the start of the meeting, but this may not always be possible, depending on the length and complexity of the documents.

- 3.34 The Director intends to improve distribution of documents by uploading batches to the document server every Friday during an appropriate period before meetings. This would provide a quicker and more regular service to delegations. Delegations not already using the document server are strongly recommended to do so. Demonstrations of the document server may be arranged during the October 2002 meeting week for any interested delegations.
- 3.35 Documents will continue to be distributed by post. Delegations are invited to consider the mailing details for their State in order to decide whether they might require fewer copies than has been the case so far, or whether they no longer require copies by post. The details for each State will be made available to the respective delegation.
- 3.36 Lists of documents issued for meetings are sent to delegations after the meetings. Delegations might find it helpful for a provisional list to be available during the meetings, listing all the documents issued as well as those which the Secretariat expects to issue, and their availability in the two or three working languages. This would allow delegations to verify which documents had been issued since they last received documents by post or via the document server. Such a list will be issued at the beginning of the October 2002 meeting week.

#### *Restricted documents*

- 3.37 The document server was established in January 2001. Until January 2002 a password was required for access to all documents. A password is still required for access to a few documents, namely those relating to the draft Budget and the levy of contributions, which are restricted until they have been considered at the relevant meeting. The governing bodies may wish to consider whether these documents should be restricted in the future. An option would be to authorise the Director to decide, after consultation with the Chairman of the body concerned, that a particular document should be restricted.

#### **4 Director's conclusions as regards organisation of meetings**

- 4.1 The Director feels that the only way in which the time pressure existing during the autumn session could be significantly reduced would be an extension of the length of the meetings. He recognises, however, that this may not be an acceptable solution. Although it would be possible to increase the working hours of the meetings, the Director believes that this would cause considerable practical and organisational difficulties.
- 4.2 The Director considers that only some marginal efficiency could be gained by holding joint meetings of the governing bodies of the two Funds.
- 4.3 The Director believes that some of the difficulties arising from the present lengthy agendas of the governing bodies will be alleviated with time as the operation of the 1971 Fund progressively winds down.

- 4.4 The Director intends to pursue the efforts to shorten documents, taking into account the importance of delegations having sufficient background information as a basis for their discussions and decisions.
- 4.5 The Director recommends that documents presented by delegations should reach the Secretariat no later than three weeks before the beginning of a meeting to enable the Secretariat to distribute them to delegations no later than two weeks before a meeting.
- 4.6 As regards the production and distribution of documents prepared by the Secretariat, the Director considers that a significant improvement could be achieved by better internal planning. The Director does not believe that any firm deadlines should be fixed for the distribution of such documents. However, for the reasons set out in paragraph 3.33 above, he believes that in general it would be possible to respect a two-week deadline for the distribution of 1992 Fund Assembly and Working Group documents and 1971 Fund Administrative Council documents of an administrative nature. However, this may to some extent not be possible as regards 1992 Fund Executive Committee documents and 1971 Fund Administrative Council documents relating to incidents.
- 4.7 The Director proposes that the issue of the production and distribution of documents should be included in the agenda for the October 2003 sessions of the governing bodies when the Director will have had the possibility to consider fully the recommendations of the document production working group referred to in paragraph 3.29 and experience has been gained from the measures to improve the document production process set out in paragraphs 3.30-3.36.

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

The governing bodies are invited:

- (a) to take note of the information contained in this document;
- (b) to give the Director such instructions in respect of the organisation of work during meetings and the production and distribution of documents as they may deem appropriate.
-