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NON-SUBMISSION OF OIL REPORTS

Note by the Director

Summary:	A total of 35 States have outstanding oil reports for the year 2002 and/or previous years: 15 States in respect of the 1971 Fund and 28 States in respect of the 1992 Fund. A number of States have reports outstanding for many years.
Action to be taken:	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 2002, the governing bodies considered the matter again and discussed what further measures could be taken to resolve the problem. The Director was instructed to pursue his efforts to obtain the outstanding oil reports but it was noted that there was a limit to what the Secretariat could achieve by persistence (documents 92FUND/A.7/29, paragraphs 14.3 and 14.4 and 71FUND/AC.9/20, paragraphs 12.3 and 12.4).
- 1.2 The governing bodies recognised that it was their responsibility to find creative solutions to the problem within the constraints of the 1992 Fund Convention and then to support the Secretariat in the implementation of these solutions. It was recalled by the 1992 Fund Assembly that the non-submission of oil reports had been included in the list of issues for consideration by the 3rd intersessional Working Group, and States were requested to submit concrete proposals on this issue (documents 92FUND/A.7/29, paragraph 14.7 and 71FUND/AC.9/20, paragraph 12.7).

- 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 In letters dated 15 January 2003, 1992 Fund Member States and former 1971 Fund Member States were invited to submit to the Secretariat their reports on contributing oil received in 2002 and/or any outstanding reports, as appropriate. 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.
- 2.2 Reminder letters dated September 2003 were sent to the competent authorities of States with outstanding reports.
- 2.3 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.
- 2.4 The Deputy Director attended a workshop in Gabon in September 2003 organised by IMO/IPIECA/UNEP which was attended by government and oil industry representatives from 16 States from the Central and West African region, a number of which have outstanding oil reports for four or more years. The opportunity was taken to hold individual meetings with representatives from those States with outstanding oil reports which it is hoped may lead to the resolution of some or all of the problems.
- 2.5 Since the October 2002 sessions of the governing bodies, some States which had reports outstanding for a number of years have submitted some or all of these reports, notably the Syrian Arab Republic (12 years), Mozambique (7 years), the Maldives (5 years), Kuwait (4 years), Panama (4 years), Morocco (2 years) and Trinidad and Tobago (2 years).
- 2.6 However, at present oil reports are outstanding for the year 2002 and/or previous years in respect of 15 former Member States of the 1971 Fund and in respect of 28 of the present 82 Member States of the 1992 Fund, as set out in the Annex. A number of these States have reports outstanding for several years.
- 2.7 In the case of thirteen 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 four of these States.
- 2.8 Reports for two or three years are outstanding in respect of thirteen States. Six of these States (Angola, Cambodia, Comoros, Dominica, Georgia and Saint Vincent and the Grenadines) have not submitted any reports since becoming a Member of the 1992 Fund and they were not previously 1971 Fund Members. Of the other seven States, all have outstanding reports in respect of the 1992 Fund and four of them also have outstanding reports in respect of the 1971 Fund. It is expected that 'nil' quantities will be reported in respect of five of these seven States. As for India and Morocco, a quantity of some 57 335 000 and 6 675 000 tonnes respectively was given in the most recent report.
- 2.9 A further nine States have not submitted oil reports for four or more years. Four of these States have outstanding reports in respect of both the 1971 Fund and the 1992 Fund. Of the remaining

five States, four have outstanding reports in respect only of the 1971 Fund and one in respect only of the 1992 Fund.

- 2.10 The Director is particularly anxious to receive reports from Gabon (which has 15 years of outstanding reports) and Nigeria (seven years). When these three States last submitted oil reports, quantities of approximately 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 two States. With regard to Guyana (which has five years of outstanding reports), Mauritania (seven years), Albania (nine years) and Sierra Leone (11 years), the Director is particularly concerned that no reports have been submitted by these States since they became Members of the 1971 Fund and that no reports have been submitted by the Dominican Republic since it became a Member of the 1992 Fund. Although it is expected that reports of 'nil' quantities will be submitted in respect of Bahrain, it is of considerable concern that reports are outstanding for six years.
- 2.11 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 further, as States which have outstanding reports in respect of the 1971 Fund become Members of the 1992 Fund. The situation in respect of States which have recently joined the 1992 Fund but were not previously Members of the 1971 Fund is also becoming progressively worse.
- 2.12 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. It would be appreciated if all 1992 Fund Member States and former 1971 Fund Member States would support the Secretariat in its endeavours to improve the situation.

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 1992 Fund Member States and former 1971 Fund Member States submit their outstanding oil reports.

ANNEX

State	Number of outstanding reports	Quantity given in most recent report (tonnes)	Years for which reports outstanding	
			1971 Fund	1992 Fund
Gabon	15	400 000	1988-2001	2002
Sierra Leone	11	<i>No reports received</i>	1992-2001	2001-2002
Albania	9	<i>No reports received</i>	1993-2001	
Mauritania	7	<i>No reports received</i>	1995-2001	
Nigeria	7	700 000	1986, 1997-2001	2002
Bahrain	6	0	1997	1997-2002
Guyana	5	<i>No reports received</i>	1997-2001	
Côte d'Ivoire	4	3 000 000	1998-2001	
Dominican Republic	4	<i>No reports received</i>		1999-2002
Comoros	3	<i>No reports received</i>		2000-2002
Georgia	3	<i>No reports received</i>		2000-2002
India	3	57 335 000	2000	2000-2002
Angola	2	<i>No reports received</i>		2001-2002
Belize	2	0		2001-2002
Cambodia	2	<i>No reports received</i>		2001-2002
Djibouti	2	0	2001	2001-2002
Dominica	2	<i>No reports received</i>		2001-2002
Fiji	2	0		2001-2002
Grenada	2	0		2001-2002
Morocco	2	6 675 000	2001	2001-2002
Papua New Guinea	2	0	2001	2001-2002
St Vincent and the Grenadines	2	<i>No reports received</i>		2001-2002
Algeria	1	434 000		2002
Bahamas	1	1 762 000		2002
Colombia	1	982 000		2002
Indonesia	1	12 000 000	1998	
Ireland	1	5 000 000		2002
Kenya	1	274 000		2002
Kuwait	1	0	2001	
Liberia	1	0		2002
Oman	1	0		2002
Panama	1	1 651 330	1998	
Trinidad and Tobago	1	4 703 000		2002
United Arab Emirates	1	0		2002
Venezuela	1	9 511 000		2002