

**Resolution N°17—Preparation for the Dissolution of the International Oil Pollution Compensation Fund (1971 Fund)** (May 2014)

THE ADMINISTRATIVE COUNCIL OF THE INTERNATIONAL OIL POLLUTION COMPENSATION FUND, 1971 (1971 Fund),

**RECALLING** the adoption on 18 December 1971 of the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage 1971 (hereinafter the “1971 Fund Convention”) at an International Conference convened by the Intergovernmental Maritime Consultative Organization at the Palais des Congress, Brussels and the subsequent establishment on 16 October, 1978 of the International Oil Pollution Compensation Fund (hereinafter the “1971 Fund”),

**RECALLING FURTHER** that, pursuant to Article 2(a) of the Protocol of 2000 to the International Convention on the Establishment of an International Fund for *Compensation* for Oil Pollution Damage, 1971, the 1971 Fund Convention had ceased to be in force as from 24 May 2002,

**BEARING IN MIND** that this did not result in the dissolution of the 1971 Fund,

**RECALLING** Resolution N°10 of the Assembly of the 1971 Fund (October 1996) whereby, as from the date of the establishment of the Secretariat of the International Oil Pollution Compensation Fund, 1992 (hereinafter “the 1992 Fund Secretariat”), the 1971 Fund including all secretariat functions, has been administered by the 1992 Fund Secretariat,

**RECALLING FURTHER** Resolution N°13 of the Assembly of the 1971 Fund (May 1998) whereby the Director of the 1992 Fund was designated *ex officio* as the Director of the 1971 Fund,

**TAKING INTO ACCOUNT** Resolution N°13 of the Assembly of the 1971 Fund (May 1998), as amended by Resolution N°15 of the Assembly of the 1971 Fund (May 2002), which created the 1971 Fund Administrative Council and authorised it to perform the functions allocated to the Assembly under the 1971 Fund Convention, including the taking of appropriate measures to complete the winding up of the 1971 Fund and the distribution in an equitable manner of any remaining assets among those persons who have contributed to the 1971 Fund,

**BEARING IN MIND** the obligations contained in Article 44(1) and (2) of the 1971 Fund Convention, in the event that the 1971 Fund Convention ceased to be in force,

**MINDFUL** of the decision of the 1971 Fund Administrative Council at its thirty-first session in October 2013 to wind up the 1971 Fund as soon as possible,

**NOTING** that all former 1971 Fund Member States have fulfilled their obligations under the 1971 Fund Convention, including the submission of oil reports,

**COGNISANT** of the absence of any provisions in the 1971 Fund Convention providing for the process for the dissolution of the 1971 Fund,

**RECOGNISING** the need for the 1971 Fund to be dissolved in an orderly and open process,

**TAKING INTO ACCOUNT** the establishment by the 1971 Fund Administrative Council at its twenty-ninth session (October 2012) of a Consultation Group to facilitate the process of winding up the 1971 Fund,

RESOLUTIONS 17 AND 18 ON THE DISSOLUTION OF THE 1971 FUND

- 2 -

**NOTING** the recommendation of the Consultation Group that the 1971 Fund Administrative Council was empowered under the 1971 Fund Convention to decide to dissolve the 1971 Fund as a legal person,

**RECOGNISING ACCORDINGLY** that the 1971 Fund Administrative Council is the appropriate body to establish procedures for the dissolution of the 1971 Fund,

**MINDFUL** that the Consultation Group was of the view that the decision to dissolve the 1971 Fund should be formalised in a written document and that the best way to do this would be for the 1971 Fund Administrative Council to adopt a resolution to dissolve the 1971 Fund,

**MINDFUL ALSO** of the intention of the 1971 Fund Administrative Council at its thirty-first session (October 2013) to decide to dissolve the 1971 Fund at its October 2014 session,

**CONSIDERING** Resolution N°13 of the Assembly of the 1971 Fund (May 1998) concerning the absence of any quorum requirement for participation in sessions of the 1971 Fund Administrative Council,

**NOTING** that, pursuant to Resolution N°13, as amended by Resolution N°15, the decisions of the 1971 Fund Administrative Council should be taken by majority vote of all States having at any time been Members of the 1971 Fund present and voting,

**NOTING ALSO** that the Consultation Group took the view that, since Resolution N°13 already provided that no credentials were required but that States invited to a session of the 1971 Fund Administrative Council shall inform the Director of the person or persons who will attend (notification), the 1971 Fund Administrative Council should maintain the rule that notifications to the Director of the person or persons who will attend were sufficient,

**CONSIDERING IT DESIRABLE** to ensure the participation by as many former Member States of the 1971 Fund Convention as possible in the decision to dissolve the 1971 Fund,

**MINDFUL** of the decision of the 1971 Fund Administrative Council at its thirty-first session (October 2013) instructing the Director to study the legal and procedural issues relating to the dissolution of the 1971 Fund,

- 1 Agrees that the procedures as set out in this Resolution be adopted in connection with the dissolution of the 1971 Fund;
- 2 Strongly encourages as many former Member States of the 1971 Fund as possible to participate in any decision to dissolve the 1971 Fund;
- 3 To this end instructs the Director to issue an invitation to all former Member States of the 1971 Fund to participate in the 33rd session of the 1971 Fund Administrative Council to be held in October 2014 when the decision to dissolve the 1971 Fund is intended to be taken by adoption of a resolution;
- 4 Agrees that the voting, notifications and quorum procedures as specified in Resolution N°13, as amended by Resolution N°15, shall be applied;

RESOLUTIONS 17 AND 18 ON THE DISSOLUTION OF THE 1971 FUND

- 3 -

- 5 Decides that the 1971 Fund has taken all reasonable steps to meet its obligations under Article 44(1) of the 1971 Fund Convention,
- 6 Decides that any surplus monies in the Major Claims Funds shall be reimbursed in accordance with Regulations 4.4 and 4.5 of the 1971 Fund's Financial Regulations. After the decision to dissolve the 1971 Fund is taken on 24 October 2014, reimbursement shall be made by 15 December 2014 on a *pro rata* basis directly to the contributors who have made contributions to these Major Claims Funds; and<sup><1></sup>
- 7 Further decides that any surplus monies in the General Fund shall be reimbursed in accordance with the decision of the 1971 Fund Administrative Council at its fifteenth session (October 2004). After the decision to dissolve the 1971 Fund is taken on 24 October 2014, reimbursement shall be made directly to the contributors to the General Fund on a *pro rata* basis by 15 December 2014<sup><1></sup>

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<sup><1></sup> See document [IOPC/OCT14/11/1](#), Annex V, pages 3-5 on the reimbursement to 1971 Fund contributors of the balance remaining in the General Fund and *Nissos Amorgos* Major Claims Fund.

**Resolution N°18—Dissolution of the International Oil Pollution Compensation Fund (1971 Fund)**  
(October 2014)

THE ADMINISTRATIVE COUNCIL OF THE INTERNATIONAL OIL POLLUTION COMPENSATION FUND, 1971 (1971 Fund),

**RECALLING** the adoption on 18 December 1971 of the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971 (hereinafter the “1971 Fund Convention”) at an International Conference convened by the Intergovernmental Maritime Consultative Organization at the Palais des Congress, Brussels and the subsequent establishment on 16 October, 1978 of the International Oil Pollution Compensation Fund (hereinafter the “1971 Fund”)

**RECALLING FURTHER** that, pursuant to Article 2(a) of the Protocol of 2000 to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971, the 1971 Fund Convention had ceased to be in force as from 24 May 2002,

**BEARING IN MIND** that this did not result in the dissolution of the 1971 Fund,

**RECALLING** Resolution N°10 of the Assembly of the 1971 Fund (October 1996) whereby, as from the date of the establishment of the Secretariat of the International Oil Pollution Compensation Fund, 1992 (hereinafter “the 1992 Fund Secretariat”), the 1971 Fund, including all secretariat functions, has been administered by the 1992 Fund Secretariat,

**RECALLING FURTHER** Resolution N°13 of the Assembly of the 1971 Fund (May 1998) whereby the Director of the 1992 Fund was designated *ex officio* as the Director of the 1971 Fund,

**TAKING INTO ACCOUNT** Resolution N°13 of the Assembly of the 1971 Fund (May 1998), as amended by Resolution N°15 of the Assembly of the 1971 Fund (May 2002), which created the 1971 Fund Administrative Council and authorised it to perform the functions allocated to the Assembly under the 1971 Fund Convention, including the taking of appropriate measures to complete the winding up of the 1971 Fund and the distribution in an equitable manner of any remaining assets among those persons who have contributed to the 1971 Fund,

**NOTING** that all former 1971 Fund Member States have fulfilled their obligations under the 1971 Fund Convention, including the submission of oil reports,

**BEARING IN MIND** the obligations contained in Article 44(1) and (2) of the 1971 Fund Convention, in the event that the 1971 Fund Convention ceased to be in force,

**CONSIDERING** that the 1971 Fund has now met its obligations under Article 44(1) and (2),

**CONSIDERING FURTHER** that there is no longer any need for the 1971 Fund to exist as a legal person pursuant to Article 44(3) of the 1971 Fund Convention,

**MINDFUL** of the decision of the 1971 Fund Administrative Council at its thirty-first session in October 2013 to wind up the 1971 Fund as soon as possible,

RESOLUTIONS 17 AND 18 ON THE DISSOLUTION OF THE 1971 FUND

- 5 -

**RECALLING** the procedures for dissolution of the 1971 Fund adopted by the 1971 Fund Administrative Council by Resolution N° 17 at its thirty-second session (May 2014), Preparation for the Dissolution of the International Oil Pollution Compensation Fund (1971 Fund) (May 2014),

- 1 Resolves that, with effect from the expiry of the last day of the financial year 2014 (31 December 2014), the 1971 Fund shall be dissolved and its legal personality shall cease to exist;
  - 2 Agrees that the Director shall inform all States having at any time been Members of the 1971 Fund, as well as the Secretary-General of the International Maritime Organization (IMO) in his capacity as Depositary of the 1971 Fund Convention, and all other relevant organisations, as well as the Government of the United Kingdom of Great Britain and Northern Ireland of the dissolution of the 1971 Fund, with effect from the expiry of the last day of the financial year 2014 (31 December 2014);
  - 3 Authorises the Director, in consultation with the Chairman of the 1971 Fund Administrative Council, to take any necessary and reasonable steps to implement paragraphs 6 and 7 of Resolution N°17 of 9 May 2014;
  - 4 Further authorises the Director, in consultation with the Chairman of the 1971 Fund Administrative Council, to take any necessary and reasonable steps to give any remaining monies not so distributed to the World Maritime University, the International Maritime Law Institute and the International Maritime Safety, Security and Environment Academy in equal shares;
  - 5 Requests the External Auditor to carry out a final audit of the 1971 Fund for the 2014 financial year;
  - 6 Decides to request the Secretary-General of IMO to convene a meeting of all former Member States of the 1971 Fund to review and approve the Financial Statements of the 1971 Fund for the 2014 financial year;
  - 7 Requests that States having at any time been Members of the 1971 Fund be informed of the approval of the Financial Statements of the 1971 Fund for the 2014 financial year; and
  - 8 Decides to transfer full title to the archives of the 1971 Fund to the 1992 Fund.
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