



International Oil Pollution
Compensation Funds

Fonds internationaux
d'indemnisation pour les
dommages dus à la pollution
par les hydrocarbures

Fondos internacionales
de indemnización de daños
debidos a contaminación por
hidrocarburos

RESOLUTIONS OF THE 1971 FUND

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Resolution N°1—Unit of Account (November 1978)

THE ASSEMBLY,

AWARE of the problems caused by the use of (gold) francs as the monetary unit in the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971, and awaiting the entry into force of the Protocol of 19 November 1976 to that Convention,

ADOPTS the following method of interpretation of the franc provisions in the Convention:

Where an amount is expressed in francs in the Convention such amount shall be converted into the relevant national currency in accordance with the following rules:

- (a) the amount determined in francs shall be converted into Special Drawing Rights as defined by the International Monetary Fund on the basis that 15 francs are equal to one Special Drawing Right;
- (b) the number of Special Drawing Rights found pursuant to (a) shall be converted into the relevant national currency in accordance with the method of evaluation applied by the International Monetary Fund in effect for its operations and transactions at the date applicable under the Convention,

RESOLVES that the references to francs in the Internal Regulations be replaced by references to equivalent amounts expressed in Special Drawing Rights as soon as the Protocol to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971 enters into force,

AND RECOMMENDS that Contracting States should become Parties to that Protocol as soon as possible.

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Resolution N°2—Revision of CLC and FC (April 1979)

THE SECOND SESSION OF THE ASSEMBLY OF THE INTERNATIONAL OIL POLLUTION COMPENSATION FUND,

HAVING DECIDED to raise the limit of 450 million francs referred to in paragraph 4, sub-paragraph (a) and (b) of Article 4 of the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage 1971, to 675 million francs,

DECIDED to request IMCO to consider the desirability of revising the 1969 International Convention on Civil Liability for Oil Pollution Damage and the 1971 International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, in the light of this decision especially looking into the adequacy of the limits laid down by the two Conventions, the feasibility of changing the limits in either or both of the Conventions, as well as the problems caused by the limits applicable under the 1969 International Convention on Civil Liability for Oil Pollution Damage to small tankers, and the system of relieving the shipowner under Article 2, paragraph 1(b) of the 1971 Convention.

Resolution N°3—Pollution Damage (October 1980)

THE ASSEMBLY OF THE INTERNATIONAL OIL POLLUTION COMPENSATION FUND,

CONSCIOUS of the dangers of pollution posed by the worldwide maritime carriage of oil in bulk,

AWARE of the detrimental effect of the escape or discharge of persistent oil into the sea may have on the environment and, in particular, on the ecology of the sea,

CONSCIOUS of the problems of assessing the extent of such damage in monetary terms,

NOTING that under the Civil Liability Convention a claim for ecological pollution damage has been raised against the shipowner which was based on a theoretical model for assessment,

CONFIRMS ITS INTENTION that the assessment of compensation to be paid by the International Oil Pollution Compensation Fund is not to be made on the basis of an abstract quantification of damage calculated in accordance with theoretical models.

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Resolution N°4—Unit of Account (October 1980)

THE ASSEMBLY OF THE INTERNATIONAL OIL POLLUTION COMPENSATION FUND,

AWARE of the problems caused by the use of (gold) francs as the monetary unit in the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971, and the lack of uniformity in Member States regarding the methods of converting this unit of account into national currencies,

CONCERNED that this lack of uniformity may seriously affect the operations of the Fund,

NOTING that the Protocol of 19 November 1976 to the Fund Convention has so far been ratified or acceded to by only four States and that the entry into force in the near future for all Members of the Fund is not likely,

URGES Governments of Member States to ensure that their national laws are brought into line with the method of conversion provided for by a resolution at the first session of the Assembly (OPCF/A.1/Res.1) and laid down in Regulation 2 of the Fund's Internal Regulations,

AND REAFFIRMS the recommendation contained in that resolution that Contracting States should become Parties to the Protocol of 19 November 1976 to the Fund Convention as soon as possible.

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Resolution N°5—Membership of the IOPC Fund (October 1980)

THE ASSEMBLY OF THE INTERNATIONAL OIL POLLUTION COMPENSATION FUND,

RECALLING that the International Oil Pollution Compensation Fund was established by the 1971 International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, which entered into force in 1978, with a view to ensuring that adequate compensation is available to persons who suffer pollution damage caused by the world-wide maritime carriage of oil in bulk,

NOTING with regret that only twenty-one States, far from covering the whole world, have become Contracting States to the said Convention and that the aims which led to the creation of the Fund have not yet been achieved,

RECOGNISING the need and importance to promote the ratification, acceptance, approval or accession of the said Convention by a greater number of countries as early as possible,

REQUESTS the Contracting States to the Convention and the Director of the Fund to make appropriate efforts in order to convince non-Contracting States to become Parties to the Convention, especially to make such efforts on the occasions of the meetings of the International Organisations concerned, such as IMCO.

Resolution N°6—Preventive Measures (October 1981)

THE ASSEMBLY OF THE INTERNATIONAL OIL POLLUTION COMPENSATION FUND,

AWARE of the difference of views held in Contracting States regarding the question of whether the Civil Liability Convention and the Fund Convention cover expenses for preventive measures taken before an actual spill of persistent oil has occurred or in cases where no spill of persistent oil occurs at all,

NOTING that these differences in the interpretation of the two afore-mentioned Conventions by Contracting States could lead to differing decisions in the various Contracting States regarding the Fund's liability,

CONSCIOUS of the need in a specific pollution incident for all parties concerned to do their utmost to prevent an actual spill of oil,

RECALLING Assembly Resolution N°2, adopted by the Fund's Assembly at its 2nd session in April 1979, requesting IMCO to consider the desirability of revising the 1969 Civil Liability Convention and the 1971 Fund Convention,

REQUESTS IMCO to bear in mind, when elaborating amendments to the two Conventions, the need to ensure that the cover for preventive measures provided for in the two Conventions clearly includes cover for measures taken before an actual spill of oil, if any, has occurred.

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Resolution N°7—Submission of Oil Reports (October 1988)

THE ASSEMBLY OF THE INTERNATIONAL OIL POLLUTION COMPENSATION FUND,

HAVING CONSIDERED the system used hitherto for the submission by Member States of reports on receipts of contributing oil, in accordance with Article 15.2 of the Fund Convention,

RECOGNISING that these reports are crucial for the functioning of the IOPC Fund, as the levy of contributions is based on these reports,

NOTING that reports do not always reach the IOPC Fund on time or in the manner laid down in the IOPC Fund's Internal Regulations and that some reports are incomplete,

URGES Member States to take the necessary steps to ensure that the reports on contributing oil received in their territory are submitted in time, using the prescribed forms, and that the reports contain the particulars prescribed in the Fund Convention and in the Internal Regulations,

AND REQUESTS Member States in which no person is liable to contribute to the IOPC Fund to submit reports certifying that this is the case in respect of the State concerned.

Resolution N°8—Request to IMO to Convene Diplomatic Conference (October 1991)

Future Development of the Intergovernmental Oil Pollution Liability and Compensation System based on the International Convention on Civil Liability for Oil Pollution Damage 1969, and the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage 1971

THE ASSEMBLY OF THE INTERNATIONAL OIL POLLUTION COMPENSATION FUND,

HAVING EXAMINED the functioning of the system of compensation established by the International Convention on Civil Liability for Oil Pollution Damage, done at Brussels on 29 November 1969 (hereinafter referred to as the 1969 Civil Liability Convention), and the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, done at Brussels on 19 December 1971 (hereinafter referred to as the 1971 Fund Convention), a system which has proved to be a viable regime for the rapid compensation of victims of oil pollution,

RECALLING the Protocols which were adopted in 1984 to amend the 1969 Civil Liability Convention and the 1971 Fund Convention (hereinafter referred to as the 1984 Protocols) which provide for improved scope and enhanced compensation,

RECOGNISING that it is unlikely that the 1984 Protocols will enter into force in their present form,

BEARING IN MIND that in adopting the International Convention on Oil Pollution Preparedness, Response and Cooperation 1990, the Conference on International Cooperation on Oil Pollution Preparedness and Response recognised the importance of the international instruments on liability and compensation for oil pollution damage and the compelling need for the early entry into force of the 1984 Protocols thereto,

BEING OF THE OPINION that it is necessary that the content of the 1984 Protocols enters into force as soon as possible, so as to ensure the viability of this system in the future,

CONSIDERING that the most practical way of achieving that result would be by adopting new protocols to the 1969 Civil Liability Convention and the 1971 Fund Convention, containing the same substantive and administrative provisions, including those relating to limits of liability, as the 1984 Protocols but differing conditions for their entry into force,

APPRECIATING that it might be appropriate also to examine in this connection whether a cap on contributions payable by oil receivers in any given State should be introduced in the Fund Convention for a transitional period,

CONVINCED of the necessity of limiting any revision of the Conventions to the issues set out above, in order to ensure the early entry into force of any new instruments,

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REQUESTS the Secretary-General of the International Maritime Organization to convene an international conference, to be held if possible before the end of 1992, to consider:

- (a) the draft protocols modifying the 1969 Civil Liability Convention and the 1971 Fund Convention which are attached to this resolution;
- (b) the draft conference resolutions which are also attached to this resolution; and
- (c) whether there should be introduced in the Fund Convention a system of setting a cap on contributions payable by oil receivers in any given State for a transitional period.

Resolution N°9—Admissibility of claims for compensation (June 1996)

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

NOTING that one of the aims of the international compensation system is to adopt uniform international rules and procedures for determining questions of liability and providing adequate compensation,

NOTING FURTHER that the definitions of 'pollution damage' and 'preventive measures' in the 1992 Fund Convention which form the basis for the criteria for admissibility are the same as those in the 1971 Fund Convention, except on one point where a modified text was adopted in 1992, in order to codify the interpretation of the definition of 'pollution damage' as decided by the Assembly of the 1971 Fund,

AWARE of the necessity of ensuring consistency between the decisions of the 1971 Fund and those of the International Oil Pollution Compensation Fund, 1992 (1992 Fund) on the admissibility of claims,

RECALLING that the 7th Intersessional Working Group established by the Assembly was given the mandate to examine the general criteria for the admissibility of claims for compensation for 'pollution damage' and 'preventive measures' within the scope of the 1969 Civil Liability Convention and the 1971 Fund Convention and the 1992 Protocols thereto,

RECALLING FURTHER that the Assembly of the 1992 Fund has adopted a Resolution (Resolution N°3 as contained in Annex III to document 92FUND/A.1/34) on the admissibility of claims in which the 1992 Fund resolves that the report of the 7th Intersessional Working Group of the 1971 Fund (as contained in document FUND/A.17/23) on the criteria for the admissibility of claims for compensation shall form the basis of the policy of the 1992 Fund on the criteria for the admissibility of claims, decides that the criteria hitherto laid down by the Executive Committee of the 1971 Fund should be applied by the 1992 Fund in its consideration of the admissibility of claims, and affirms that the 1992 Fund will do its utmost to ensure consistency, as far as possible, between the decisions of the 1992 Fund and those of the 1971 Fund on the admissibility of claims,

RESOLVES that the 1971 Fund shall endeavour to ensure consistency, as far as possible, between the decisions of the 1971 Fund and those of the 1992 Fund on the admissibility of claims.

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Resolution N°10—Administration of the 1971 Fund by the 1992 Fund Secretariat (October 1996)

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

RECALLING that the 1971 Fund and 1992 Fund are at present administered by a joint Secretariat,

NOTING that the 1992 Fund has authorised the 1992 Fund Secretariat to administer also the 1971 Fund,

NOTING ALSO that the Assembly of the 1992 Fund has decided to establish its own Secretariat from the date on which the compulsory denunciations of the 1969 Civil Liability Convention and 1971 Fund Convention take effect,

RECOGNISING that, after the compulsory denunciations take effect, the 1992 Fund will become the more important of the two Organisations in terms of receipts of contributing oil,

ACKNOWLEDGING that it would be impractical for two separate Secretariats to operate concurrently,

RECALLING ALSO the Resolution adopted by the Assembly of the 1992 Fund (Resolution N°1 of the 1992 Fund, as contained in Annex I to document 92FUND/A.1/34) on the position of members of the 1971 Fund Secretariat whereby, when the 1992 Fund establishes its own Secretariat, the personnel employed by the 1971 Fund will, if they so wish, be transferred to the 1992 Fund Secretariat and in such a case will receive treatment no less favourable, as regards the terms and conditions of their service, as a result of the change of legal personality of their employer,

RESOLVES that, from the date of the establishment of the 1992 Fund Secretariat, the 1971 Fund shall be administered by the 1992 Fund Secretariat,

AND DECLARES that the functions which, under the 1971 Fund Convention, are entrusted to the Secretariat shall be performed by the Secretariat of the 1992 Fund.

Resolution N°11—Co-operation between the 1971 Fund and its former Member States (April 1997)

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

AWARE that, following the entry into force of the 1992 Protocols to the 1969 Civil Liability Convention and the 1971 Fund Convention, the settlement of and payment of compensation in accordance with the 1971 Fund Convention for claims arising from certain major incidents which occurred in recent years will not be finalised before the compulsory denunciations of the 1969 and 1971 Conventions become effective for a significant number of States Parties to these Conventions,

NOTING that the provisions of the 1971 Fund Convention relating to the obligations to make contributions to such incidents continue to apply also in respect of States which have denounced that Convention,

RECALLING its Resolution N°9 on the admissibility of claims for compensation and the need for consistency between the decisions of the 1971 Fund and those of the 1992 Fund,

MINDFUL of the principles and aims of the 1971 Fund and of the importance of adherence to previous decisions,

NOTING that further decisions may need to be taken in respect of claims arising out of pending cases,

RECOGNISING that former States Parties which have been affected by incidents covered by the 1971 Fund Convention but in respect of which settlements have not yet been finalised, should be entitled to present their views on pending cases in the competent bodies of the 1971 Fund,

DECIDES that, to the extent that the provisions of the 1971 Fund Convention relating to the obligations to make contributions under Articles 10 and 12 with respect to incidents which occurred before denunciation of the Convention has taken effect continue to apply, such States Parties shall be heard before further decisions concerning the admissibility of claims arising out of such incidents are taken,

RESOLVES that earlier decisions in pending cases shall not be overruled without the consent of the majority of those States which were Parties to the 1971 Fund Convention when those earlier decisions were taken,

AND AFFIRMS that persons in former States Parties who have contributed to the 1971 Fund shall be entitled to participate in an equitable manner in the distribution of the assets which remain when the winding up of the 1971 Fund has been completed.

Resolution N°12—Accession to the 1992 Fund Protocol and denunciation of the 1971 Fund Convention
(May 1998)

THE ASSEMBLY OF THE INTERNATIONAL OIL POLLUTION COMPENSATION FUND 1971 (1971 FUND),

AWARE that the 1992 Protocols to the 1969 Civil Liability Convention and the 1971 Fund Convention (1992 Protocols) were intended to replace the Conventions in their original versions,

RECOGNISING the importance of ratification, acceptance, approval or accession of the 1992 Protocols by States as early as possible,

NOTING that many States have acceded to the 1992 Protocols and denounced the 1969 Civil Liability Convention and 1971 Fund Convention,

MINDFUL that the transitional period referred to in the 1992 Protocols, during which there is a mechanism so that the 1992 Protocols and the original Conventions operate together, will come to an end on 15 May 1998,

CONSCIOUS of the complex legal situation which would arise if an incident were to occur after 16 May 1998 in a State which was a Member of both the 1971 Fund and the 1992 Fund,

RECOGNISING that to remain a Member of the 1971 Fund would provide no advantages for a State which has acceded to the 1992 Protocols, since the 1992 Protocols provide much higher limits of compensation than the Conventions in their original versions and have a wider scope of application on several points,

NOTING the difficulties which may be encountered in the operation of the 1971 Fund after 16 May 1998, issues which are addressed in Resolution N°13,

CONCERNED that some States have acceded to the 1992 Protocols without having deposited instruments of denunciation of the 1969 Civil Liability Convention and 1971 Fund Convention,

URGES the Governments of 1971 Fund Member States to consider, as a matter of great urgency, accession to the 1992 Protocols; and

RESOLVES TO REMIND the Governments of 1971 Fund Member States which deposit instruments of accession to the 1992 Protocols of the need to deposit simultaneously instruments of denunciation of the 1969 Civil Liability Convention and 1971 Fund Convention.

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Resolution N°13—Operation of the 1971 Fund from 16 May 1998 (May 1998)

THE ASSEMBLY OF THE INTERNATIONAL OIL POLLUTION COMPENSATION FUND 1971 (1971 FUND),

NOTING that there are 76 States Parties to the 1971 Fund Convention;

AWARE that 24 of these States will cease to be Members of the 1971 Fund from 16 May 1998 and that a number of other States will in the near future also cease to be Members of the 1971 Fund,

RECOGNISING that, as a result of these States leaving the 1971 Fund, it is likely, despite considerable efforts to be made by the Director, that the Assembly of the Organisation will no longer be able to achieve a quorum and that the same may in the near future apply to its Executive Committee,

ACKNOWLEDGING that this would result in the 1971 Fund's being unable to operate in a normal way,

MINDFUL that the 1971 Fund's objective is to pay compensation to victims of oil pollution damage in Member States,

RECALLING that it is the task of the Assembly, under Article 18.14 of the 1971 Fund Convention, to perform such functions as are necessary for the proper operation of the 1971 Fund,

AWARE that the Assembly may allocate functions to the Executive Committee in accordance with Article 26.1(c) of the 1971 Fund Convention,

NOTING that, under Article 44.2, the Assembly should take all appropriate measures to complete the winding up of the 1971 Fund, including the distribution in an equitable manner of any remaining assets among those persons who have contributed to the Fund,

CONSCIOUS of the need to establish a structure which will permit the 1971 Fund to operate from 16 May 1998 until such time as it is wound up,

RECOGNISING that it is the general responsibility of the Assembly to ensure the proper operation of the 1971 Fund and that it is therefore the duty of the Assembly to take the necessary measures to achieve this,

CONSIDERING that it is important to ensure that the interests of States which remain Members of the 1971 Fund are protected,

RECALLING Resolution N°11 of the 1971 Fund on co-operation between the 1971 Fund and its former Member States, in which it is recognised that former States Parties which have been affected by incidents covered by the 1971 Fund Convention but in respect of which settlements have not yet been finalised, should be entitled to present their views on pending cases in the competent bodies of the 1971 Fund,

- 1 **INSTRUCTS** the Director to convene a regular session of the Assembly of the 1971 Fund once every calendar year, and in the invitations to urge States to make every effort to be represented at the meeting, and to draw attention to the consequences of a quorum not being achieved.

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- 2 **RESOLVES** that, in addition to those functions which are allocated to the Executive Committee pursuant to Article 26.1 of the 1971 Fund Convention, the following functions of the Assembly shall be delegated to the Executive Committee with effect from the first session of the Assembly at which the latter is unable to achieve a quorum, on the condition that if the Assembly were to achieve a quorum at a later session or sessions, the Assembly would resume the functions previously allocated to the Committee:
 - (a) to adopt the annual budget and fix the annual contributions;
 - (b) to appoint auditors and approve the accounts of the 1971 Fund;
 - (c) to supervise the proper execution of the 1971 Fund Convention and of its own decisions;
 - (d) to perform such other functions as are otherwise necessary for the proper operation of the 1971 Fund;
 - (e) to take all appropriate measures to complete the winding up of the 1971 Fund, including the distribution in an equitable manner of any remaining assets among those persons who have contributed to the 1971 Fund;

- 3 **RESOLVES ALSO** that, whenever the Executive Committee fails to achieve a quorum, all functions undertaken by the Committee (ie those allocated by the Assembly and those allocated in accordance with the 1971 Fund Convention) shall revert to the Assembly;

- 4 **HEREBY CREATES** a body to be known as the Administrative Council, which shall have the following mandate:
 - (a) to perform such functions as are allocated to the Assembly under the 1971 Fund Convention or which are otherwise necessary for the proper operation of the 1971 Fund;
 - (b) to establish a subsidiary body to consider the settlement of claims;
 - (c) to give instructions to the Director concerning the administration of the 1971 Fund;
 - (d) to supervise the proper execution of the Convention and of its own decisions;
 - (e) to take all appropriate measures to complete the winding up of the 1971 Fund, including the distribution in an equitable manner of any remaining assets among those persons who have contributed to the 1971 Fund, at the earliest possible opportunity;

- 5 **FURTHER RESOLVES** that the Administrative Council shall assume its functions whenever the Assembly fails to achieve a quorum after the functions allocated to the Executive Committee in accordance with paragraph 2 have reverted to the Assembly pursuant to paragraph 3, on the condition that, if the Assembly were to achieve a quorum at a later session, it would resume its functions;

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- 6 **DECIDES** that the following States and organisations shall be invited to take part in sessions of the Administrative Council:
- (a) 1971 Fund Member States;
 - (b) former 1971 Fund Member States;
 - (c) other States which would be invited to attend sessions of the 1971 Fund Assembly as observers; and
 - (d) intergovernmental organisations and international non-governmental organisations which have observer status with the 1971 Fund; and
- 7 **FURTHER DECIDES:**
- (a) that decisions of the Administrative Council shall be taken by majority vote of those 1971 Fund Member States and former 1971 Fund Member States present and voting, provided that a former 1971 Fund Member State shall have the right to vote only in respect of issues relating to incidents which occurred while the 1971 Fund Convention was in force for that State;
 - (b) that there shall be no quorum requirement for the Administrative Council;
 - (c) that the Administrative Council shall meet at least once every calendar year at thirty days' notice upon convocation by the Director, either at his own initiative or at the request of its Chairman;
 - (d) that the Rules of Procedure of the Administrative Council shall be those of the Assembly, to the extent applicable;
 - (e) that the States invited to a session of the Administrative Council shall inform the Director of the person or persons who will attend; and
 - (f) that the sessions of the Administrative Council shall be held in public, unless the Council decides otherwise;
- 8 **FURTHER RESOLVES** that the Director of the 1971 Fund shall *ex officio* be the person who holds the post of Director of the 1992 Fund, provided that the Assembly of the 1992 Fund agrees thereto and that the Director of the 1992 Fund agrees to carry out the functions of the Director of the 1971 Fund also, or, if these conditions are not met, that the Director shall be appointed by the Executive Committee in accordance with paragraph 2 above, or by the Administrative Council in accordance with paragraph 4 above.

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Resolution N°14—Winding up of the 1971 Fund (May 1998)

THE ASSEMBLY OF THE INTERNATIONAL OIL POLLUTION COMPENSATION FUND 1971 (1971 FUND),

AWARE that 24 of the present 76 States Parties to the 1971 Fund Convention will cease to be Members of the 1971 Fund from 16 May 1998 and that a number of other States will in the near future also cease to be Members of the 1971 Fund,

NOTING that the 1992 Protocols to the 1969 Civil Liability Convention and the 1971 Fund Convention (1992 Protocols) were intended to replace the Conventions in their original versions,

RECOGNISING the difficulties which may be encountered in the operation of the 1971 Fund as a consequence of not achieving a quorum in the Assembly and Executive Committee after 16 May 1998,

RECALLING the procedures laid down in Resolution N°13 to address these difficulties,

BUT ACKNOWLEDGING that the 1971 Fund may nevertheless be unable to operate in a normal way in a few years' time,

CONSCIOUS that the majority of the present contributors to the 1971 Fund are located in States which have denounced the 1971 Fund Convention or which are expected to do so in the near future,

AND AWARE of the considerably increased financial burden which may fall on those contributors in States which remain Members of the 1971 Fund after other States have denounced the 1971 Fund Convention,

RECALLING that it is the task of the Assembly, under Article 18.14 of the 1971 Fund Convention, to perform such functions as are necessary for the proper operation of the 1971 Fund,

NOTING that Article 43 of the 1971 Fund Convention provides that the Convention shall cease to be in force on the date when the number of Contracting States falls below three,

AWARE that, under Article 44.2 of the 1971 Fund Convention, the Assembly should take all appropriate measures to complete the winding up of the 1971 Fund, including the distribution in an equitable manner of any remaining assets among those persons who have contributed to the Fund,

RECOGNISING that, before the winding up could take place, the 1971 Fund would have to meet its obligations in respect of all incidents which occurred before the Convention ceased to be in force,

BUT MINDFUL that it will not be possible for the 1971 Fund to fulfil its objective of paying compensation to victims of oil pollution damage in Member States if there are no persons in the remaining Member States who are liable to pay contributions,

CONSCIOUS that Article 42 of the 1971 Fund Convention may provide a means of accelerating denunciation of the 1971 Fund Convention,

RESOLVES that urgent consideration should be given to exploring whether procedures could be established to enable the 1971 Fund to be wound up speedily.

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Resolution N°15—Operation of the 1971 Fund after 24 May 2002 (May 2002)

THE ADMINISTRATIVE COUNCIL OF THE INTERNATIONAL OIL POLLUTION COMPENSATION FUND 1971 (1971 FUND) ACTING ON BEHALF OF THE ASSEMBLY,

RECALLING Resolution N°13 of the Assembly of the 1971 Fund creating the Administrative Council,

NOTING that paragraph 7(a) of Resolution N°13 provides that “decisions of the Administrative Council shall be taken by the majority vote of those 1971 Fund Member States and former 1971 Fund Member States present and voting, provided that a former 1971 Fund Member State shall have the right to vote only in respect of issues relating to incidents which occurred while the 1971 Fund Convention was in force for that State”,

AWARE that on 24 May 2002 the 1971 Fund Convention shall cease to be in effect,

NOTING ALSO that, in the circumstances, there will be no States with the right to vote in the Administrative Council on issues relating to the winding up of the 1971 Fund, pursuant to paragraph 7(a) of Resolution N°13,

ACKNOWLEDGING that such a situation will make it impossible for the Administrative Council to take decisions relating to such issues,

RECOGNISING that the mandate of the Administrative Council is, *inter alia*, “to take all appropriate measures to complete the winding up of the 1971 Fund, including the distribution in an equitable manner of any remaining assets among those persons who have contributed to the 1971 Fund, at the earliest possible opportunity”,

MINDFUL of the need to establish an arrangement which will permit the completion of the winding up of the 1971 Fund, including the distribution in an equitable manner of any remaining assets among those persons who have contributed to the Fund,

BEARING IN MIND that it is appropriate for measures to be taken to ensure that the necessary decisions on these matters can be taken in the Administrative Council,

CONSCIOUS of the need to ensure that the interests of the persons who have contributed to the 1971 Fund are protected,

CONSIDERING that, for these reasons, it is necessary to amend the provisions on voting rights in the Administrative Council, as contained in paragraph 7(a) of Resolution N°13,

RESOLVES to amend paragraph 7(a) of Resolution N°13 to read as follows:

“that decisions of the Administrative Council shall be taken by majority vote of all States having at any time been Members of the 1971 Fund present and voting, provided that, in respect of issues relating to incidents, States shall have the right to vote only as regards incidents which occurred when the State in question was a Member of the 1971 Fund;”

FURTHER RESOLVES that this amendment shall take effect on 25 May 2002.

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Resolution N°16—Joint Secretariat (March 2005)

THE ASSEMBLY OF THE INTERNATIONAL OIL POLLUTION COMPENSATION FUND, 1992 (1992 Fund),

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

THE ASSEMBLY OF THE INTERNATIONAL OIL POLLUTION COMPENSATION SUPPLEMENTARY FUND, 2003 (Supplementary Fund),

NOTING that the Protocol of 2003 to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992 entered into force on 3 March 2005, thereby establishing the Supplementary Fund,

AWARE that since the establishment of the 1992 Fund in 1996, the 1971 Fund and the 1992 Fund have been administered by a joint Secretariat headed by a single Director,

RECALLING that from 1996 to 1998 the Secretariat of the 1971 Fund administered the 1992 Fund, whereas since 1998 the Secretariat of the 1992 Fund has served as Secretariat of the 1971 Fund also,

RECOGNISING the benefits of the present arrangement,

BELIEVING that a similar arrangement in respect of the Supplementary Fund would be beneficial,

CONSIDERING that the 1992 Fund, the 1971 Fund and the Supplementary Fund should be administered by one Secretariat headed by a single Director,

TAKING THE VIEW that the most appropriate arrangement would be for the Secretariat of the 1992 Fund to function as the Secretariat not only of the 1971 Fund but also of the Supplementary Fund and that the Director of the 1992 Fund, in addition to being *ex officio* Director of the 1971 Fund, should also be *ex officio* Director of the Supplementary Fund.

DECIDE

- 1 The Secretariat of the 1992 Fund shall as hitherto administer the 1971 Fund and shall also administer the Supplementary Fund.
- 2 The Director of the 1992 Fund shall continue *ex officio* to be Director of the 1971 Fund and shall also *ex officio* be Director of the Supplementary Fund.

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 OF THE 1971 FUND

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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 OF THE 1971 FUND

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- 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^{<1>}
- 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^{<1>}

^{<1>} 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 OF THE 1971 FUND

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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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