



INTERNATIONAL
OIL POLLUTION
COMPENSATION
FUNDS

IOPC/2014/Circ.5	
17 November 2014	
1992 Fund	
Supplementary Fund	
1971 Fund	●

Dissolution of the International Oil Pollution Compensation Fund (1971 Fund)

The Director has the honour to refer to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage (1971 Fund Convention) and the subsequent establishment in 1978 of the International Oil Pollution Compensation Fund (1971 Fund).

The 1971 Fund Convention ceased to be in force on 24 May 2002 in accordance with Article 43 (1) of the 1971 Fund Convention as amended by Article 2 (a) of the Protocol of 2000 to the Convention, however the 1971 Fund retained its legal personality in accordance with Article 44 (3).

The Director would like to inform all States having at any time been Members of the 1971 Fund, 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 that at its thirty-third session, the 1971 Fund Administrative Council adopted Resolution N^o18 on the Dissolution of the International Oil Pollution Compensation Fund (1971 Fund), which is enclosed for information.

In accordance with this Resolution, the 1971 Fund with effect from the expiry of the last day of the financial year 2014 (31 December 2014), shall be dissolved and its legal personality shall cease to exist.

In view of the above, in particular, the imminent dissolution of the 1971 Fund as from 31 December 2014, all States having at any time been Members of the 1971 Fund may wish to take action as they deem appropriate.

This decision does not affect the functioning of the international compensation regime as implemented by the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage (1992 Fund Convention) and the Protocol of 2003 to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992 (Supplementary Fund Protocol) and therefore the 1992 Fund and the Supplementary Fund will continue to operate after the dissolution of the 1971 Fund.

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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,

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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