



**INTERNATIONAL  
OIL POLLUTION  
COMPENSATION  
FUNDS**

ASSEMBLY  
9th extraordinary session  
Agenda item 27

92FUND/A/ES.9/27  
4 March 2005  
Original: ENGLISH

SUPPLEMENTARY FUND  
1st session  
Agenda item 39

SUPPFUND/A.1/38

ADMINISTRATIVE COUNCIL  
16th session  
Agenda item 13

71FUND/AC.16/14

## ANY OTHER BUSINESS

### JOINT RESOLUTION ON THE JOINT SECRETARIAT

#### **Note by the Director of the International Oil Pollution Compensation Funds 1971 and 1992**

<b>Summary:</b>	The Director has prepared a joint Resolution which would consolidate the decisions by the governing bodies of the three Funds that the three Organisations should have a joint Secretariat headed by a single Director.
<b>Action to be taken:</b>	Consider the draft Resolution.

#### **1 The issue**

- 1.1 The Director has proposed that all three Funds, ie the 1971 Fund, the 1992 Fund and the Supplementary Fund, should be administered by a joint Secretariat and have a single Director.
- 1.2 To this end, the Director has proposed that the 1992 Fund Secretariat should, in addition to continuing to function as the Secretariat of the 1971 Fund, also function as the Secretariat of the Supplementary Fund. He has also proposed that the Director of the 1992 Fund should, in addition to being Director of the 1971 Fund, also be Director of the Supplementary Fund.
- 1.3 The relationship between the three Funds may not be easily understood by those who are not familiar with the treaty instruments establishing these Organisations. After discussions with the External Auditor, and on the assumption that each of the governing bodies adopts the Director's proposals set out in paragraph 1.2 above, the Director considers that it would be useful if these decisions were consolidated in a single document. He proposes, therefore, that the three governing bodies, ie the 1992 Fund Assembly, the 1971 Fund Administrative Council and the Supplementary Fund Assembly, adopt a joint Resolution on this matter. Such a Resolution may be useful in the Funds' dealings with banks and other financial institutions. It may also be helpful when one of the Funds issues powers of attorney or becomes involved in court proceedings. The Director has prepared a draft Resolution which is at the Annex.

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

The governing bodies are invited to

- (a) to take note of the information contained in this document; and
- (b) to consider the draft Resolution reproduced at the Annex.

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ANNEX

**Resolution on the Joint Secretariat**  
**adopted on [ ] March 2005**  
**by the Assembly of the International Oil Pollution Compensation Fund, 1992, the**  
**Administrative Council of the International Oil Pollution Compensation Fund, 1971 and the**  
**Assembly of the International Oil Pollution Compensation Supplementary Fund, 2003**

**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.