



INTERNATIONAL OIL POLLUTION
COMPENSATION FUNDS

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IOPC/2016/Circ.3	
9 May 2016	
1992 Fund	•
Supplementary Fund	

To: Member States of the International Oil Pollution Compensation Fund 1992

Subject: **Nomination of candidates for the position of Director of the International Oil Pollution Compensation Funds**

The IOPC Funds^{<1>} are worldwide intergovernmental organisations, i.e. set up by States, providing compensation to victims of oil pollution damage resulting from spills of persistent oil from tankers. The Funds are administered by a joint Secretariat located in London with 34 established posts and headed by a Director appointed by Member States. The Director of the International Oil Pollution Compensation Fund 1992 (1992 Fund) is *ex officio* Director of the International Oil Pollution Compensation Supplementary Fund.

At its October 2011 session, the 1992 Fund Assembly decided that Directors should be appointed for an initial term of five years and that the incumbent Director may be re-appointed for a second term of five years by a vote pursuant to Articles 32 and 33(b) of the 1992 Fund Convention. The Assembly also decided that candidatures for the appointment to the post of Director must be notified to the Secretariat at least three months before the Assembly was scheduled to meet to appoint or reappoint the Director, as the case may be. Resolution N°9 of the 1992 Fund setting out these decisions is contained in Annex I to this Circular.

Mr José Maura was appointed Director of the IOPC Funds on 1 November 2011 and his initial term of office of five years expires on 31 October 2016. At the October 2015 sessions of the governing bodies, the Chairman of the 1992 Fund Assembly informed the governing bodies that Mr Maura would be honoured and willing to serve a second term if re-appointed by the 1992 Fund Assembly at its 21st session in October 2016.

In accordance with Resolution N°9, nominations of candidates for the position of Director are invited from 1992 Fund Member States and must be received by the Secretariat of the IOPC Funds (Portland House, Bressenden Place, London SW1E 5PN) by **1 July 2016**. Any candidatures received by that deadline will be circulated to Member States by **15 July 2016** at the latest.

The relevant provisions of the 1992 Fund Convention and details on the responsibilities of the Director as well as desirable experience, skills and competences of the candidates are set out in Annex II.

A list of States which will be Members of the 1992 Fund at the opening of the 21st session of the 1992 Fund Assembly in October 2016 is at Annex III.

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<1> The International Oil Pollution Compensation Fund 1992 (1992 Fund), and the International Oil Pollution Compensation Supplementary Fund (Supplementary Fund).

ANNEX I

1992 Fund Resolution N°9 on the Appointment of the IOPC Funds' Director—Term of service (as amended by the 1992 Fund Assembly at its 16th session held from 24–28 October 2011)

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

RECALLING Article 18 of the 1992 Fund Convention,

NOTING that the Assembly has appointed Directors for five-year terms with provision for renewal for such further periods as may be determined by the Assembly.

CONSIDERING the desirability of establishing a more specific term of office for future Directors,

CONSIDERING ALSO the normal practice within the United Nations agencies and subsidiary bodies, and especially the International Maritime Organization precedents,

CONSIDERING FURTHER Rule 54 of the Rules of Procedure of the Assembly and Section IV, Regulations 17 and 18, of the 1992 Fund's Staff Regulations,

DECIDES that:

- 1 Future IOPC Fund Directors shall be appointed for an initial term of five years.
- 2 The incumbent Director may be re-appointed for a second term of five years by a vote pursuant to Articles 32 and 33(b) of the 1992 Fund Convention.
- 3 The second term of the incumbent Director may be extended for a limited period of time, if the Assembly so decides, in response to exceptional circumstances that would warrant such an extension.
- 4 Candidates for the appointment to the post of Director pursuant to section 1 or 2 above must notify the Secretariat at least three months before the Assembly is scheduled to meet to appoint or reappoint the Director, as the case may be.
- 5 The Resolution shall be referenced by footnote to Rule 54 of the Rules of Procedure of the Assembly.

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ANNEX II

JOB SPECIFICATION FOR POST OF DIRECTOR

OVERVIEW

There are two Fund Organisations: the International Oil Pollution Compensation Fund 1992 (1992 Fund) established under the 1992 Fund Convention, and the International Oil Pollution Compensation Supplementary Fund (Supplementary Fund) established under a Protocol adopted in 2003.

The International Oil Pollution Compensation Funds (IOPC Funds) are worldwide intergovernmental organisations, i.e. set up by States, providing compensation to victims of oil pollution damage resulting from spills of persistent oil from tankers. The Funds are financed by levies on certain types of oil carried by sea. The levies are paid by entities which receive oil after sea transport, normally not by States. The Funds are administered by a joint Secretariat located in London with 34 established posts and headed by a Director appointed by Member States. The relationship between the 1992 Fund and the Host State is governed by a Headquarters Agreement concluded in 1996 between the Government of the United Kingdom and Northern Ireland and the 1992 Fund. The Director shall enjoy the diplomatic privileges and immunities granted to the Director under this Agreement.

The Director of the 1992 Fund is *ex officio* Director of the International Oil Pollution Compensation Supplementary Fund.

It is possible that the IOPC Funds Secretariat will, in a few years' time, also administer the Fund to be established under the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea (HNS Convention).

ROLE OF THE DIRECTOR

The role of the Director is defined in Article 29 of the 1992 Fund Convention and corresponding provisions apply in respect of the Supplementary Fund. Article 29 states:

1. The Director shall be the chief administrative officer of the Fund. Subject to the instructions given to him by the Assembly, he shall perform those functions which are assigned to him by this Convention, the Internal Regulations of the Fund and the Assembly.
2. The Director shall in particular:
 - a) appoint the personnel required for the administration of the Fund;
 - b) take all appropriate measures with a view to the proper administration of the Fund's assets;
 - c) collect the contributions due under this Convention while observing in particular the provisions of Article 13, paragraph 3;
 - d) to the extent necessary to deal with claims against the Fund and carry out the other functions of the Fund, employ the services of legal, financial and other experts;
 - e) take all appropriate measures for dealing with claims against the Fund within the limits and on conditions to be laid down in the Internal Regulations, including the final settlement of claims without the prior approval of the Assembly where these Regulations so provide;
 - f) prepare and submit to the Assembly the financial statements and budget estimates for each calendar year;

- g) prepare, in consultation with the Chairman of the Assembly, and publish a report of the activities of the Fund during the previous calendar year;
- h) prepare, collect and circulate the papers, documents, agenda, minutes and information that may be required for the work of the Assembly and subsidiary bodies.

RESPONSIBILITIES

The Director is the legal representative of the IOPC Funds and has overall responsibility for all aspects of the IOPC Funds' activities and for the operation of the Secretariat, pursuant to Article 29 above. He/she has the primary responsibility to ensure that the joint Secretariat of the two Funds carries out its functions in accordance with the Fund Conventions, the Internal and Financial Regulations and the decisions of the governing bodies.

The Director's responsibilities can be grouped into four broad categories:

- Settlement of compensation claims;
- Management of the Secretariat;
- Management of the IOPC Funds' assets, including levying of contributions;
- Preparation of the sessions and decisions of the Assembly and the Executive Committee as well as the implementation of these decisions.

These responsibilities can be described in more detail as follows:

a. Strategy and policy

Within the parameters laid down by the governing bodies, the Director deals with matters of strategic importance, policy issues, long-term planning and high-level contacts with governments, non-governmental organisations and private entities as well as deciding the position to be taken by the Funds on important legal, financial and technical matters. He/she endeavours to provide consistency in the interpretation of the Civil Liability and Fund Conventions and transposes the decisions of the governing bodies into Fund policies.

b. Leadership/general management

In view of the small size of the Secretariat (at present 34 established posts) and the characteristics of the two Funds, the Director is personally involved in all significant substantive aspects of the operations of the Secretariat.

The Director ensures that the Secretariat is organised and managed in accordance with best practices in similar organisations so as to enable it to function effectively and efficiently and to ensure that staff members are well-motivated and committed. He/she takes the necessary steps to develop the Secretariat function so as to enable the Secretariat to adapt to developments. He/she is also responsible for the operations of local offices set up in Member States where major oil pollution incidents have occurred and for the management of a considerable number of experts engaged by the Organisations to deal with various aspects of incidents and compensation claims.

c. Claims-handling

The Director ensures that the claims-handling procedure is efficient and of high quality, and that claims are dealt with in accordance with the Conventions, the Internal Regulations and the policy laid down by the governing bodies. He/she considers issues relating to the admissibility of claims which give

rise to questions of principle or are of a sensitive nature and decides whether claims should be submitted to the governing bodies for consideration. He/she conducts ministerial or other high-level negotiations in Member States where important incidents have occurred.

d. Financial matters

The Director considers and approves the draft financial statements for submission to the External Auditor and the draft budget for submission to the governing bodies. He/she ensures that there are adequate financial controls. Within the mandate given by the governing bodies, he/she decides on the levying of contributions, on what measures should be taken when States fail to submit oil reports and on what steps should be taken against contributors in arrears. The IOPC Funds handle significant amounts of money and hold considerable assets. Within the parameters laid down by the governing bodies, he/she is responsible for the management of the IOPC Funds' assets and decides on the investment of these assets. The Director attends the meetings of the Funds' Audit Body and their Investment Advisory Body.

e. Meetings and documentation

The Director convenes sessions of the governing bodies and ensures that the appropriate documents are prepared for these sessions.

f. Representation

The Director represents the Funds at the policy level at meetings with governments of Member and non-Member States as well as at meetings of other intergovernmental organisations. He/she represents the Funds at conferences, seminars and workshops, giving speeches and presentations. He/she also represents the Funds in relation to the media.

CANDIDATE PROFILE

The successful candidate will have extensive administrative and management experience at senior level, demonstrated leadership experience and a strong track record in dealing with public and private sector organisations at senior level. He/she needs to be a highly effective communicator, with demonstrable skills in negotiation and diplomacy, and the ability to deal credibly and authoritatively with governments and other parties in the shipping, insurance and oil industries as well as with victims of oil pollution.

1. Knowledge/professional experience

The successful candidate would **ideally** have the following knowledge and professional experience:

- expert knowledge of the Civil Liability and Fund Conventions and other related Conventions;
- experience in handling complex legal issues relevant to the work of the Funds and ability to understand various legal systems;
- experience of claims-handling matters;
- ability to assess and take decisions on expert advice in legal and other matters;
- experience in financial matters, general management and handling of staff matters;
- experience of the public sector and grasp of decision processes and reasoning of governments;
- familiarity with high-level negotiations;
- experience of working with governments at all levels as well as with public and private bodies;
- experience of international conferences and intergovernmental meetings;
- experience in dealing with the media;
- excellent oral and written communication skills including ability to draft complex documents.

2. Personal attributes

The successful candidate would be expected to have the following personal attributes:

- objectivity and integrity;
- fairness;
- diplomacy;
- sensitivity to political issues related to the work of the Funds;
- excellent decision-making skills;
- flexibility and openness to change;
- excellent interpersonal skills;
- organisational and management skills;
- ability to set priorities;
- ability to delegate and to motivate staff and others who work on behalf of the Funds;
- attention to detail;
- fluency in one of the official languages of the Funds (English, French and Spanish) and a good working knowledge of one of the other two official languages, bearing in mind the working environment of the Secretariat and related organisations.

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ANNEX III

States which will be Members of the 1992 Fund at the opening of the 21st session of the 1992 Fund Assembly in October 2016

Albania	Greece	Panama
Algeria	Grenada	Papua New Guinea
Angola	Guinea	Philippines
Antigua and Barbuda	Hungary	Poland
Argentina	Iceland	Portugal
Australia	India	Qatar
Bahamas	Ireland	Republic of Korea
Bahrain	Islamic Republic of Iran	Russian Federation
Barbados	Israel	Saint Kitts and Nevis
Belgium	Italy	Saint Lucia
Belize	Jamaica	Saint Vincent and the Grenadines
Benin	Japan	Samoa
Brunei Darussalam	Kenya	Senegal
Bulgaria	Kiribati	Serbia
Cabo Verde	Latvia	Seychelles
Cambodia	Liberia	Sierra Leone
Cameroon	Lithuania	Singapore
Canada	Luxembourg	Slovakia
China ^{<2>}	Madagascar	Slovenia
Colombia	Malaysia	South Africa
Comoros	Maldives	Spain
Congo	Malta	Sri Lanka
Cook Islands	Marshall Islands	Sweden
Côte d'Ivoire	Mauritania	Switzerland
Croatia	Mauritius	Syrian Arab Republic
Cyprus	Mexico	Tonga
Denmark	Monaco	Trinidad and Tobago
Djibouti	Montenegro	Tunisia
Dominica	Morocco	Turkey
Dominican Republic	Mozambique	Tuvalu
Ecuador	Namibia	United Arab Emirates
Estonia	Netherlands	United Kingdom
Fiji	New Zealand	United Republic of Tanzania
Finland	Nicaragua	Uruguay
France	Nigeria	Vanuatu
Gabon	Niue	Venezuela (Bolivarian Republic of)
Georgia	Norway	
Germany	Oman	
Ghana	Palau	

<2> The 1992 Fund Convention applies to the Hong Kong Special Administrative Region only.