



INTERNATIONAL
OIL POLLUTION
COMPENSATION
FUND 1992

92FUND/Circ.80
14 September 2011

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

Subject: **Nomination by France of Mr Frédéric Hébert for the position of Director of the International Oil Pollution Compensation Funds**

The Director has the honour to refer to 92FUND/Circ.77 of 12 August 2011 inviting Member States of the International Oil Pollution Compensation Fund 1992 to nominate candidates for the position of Director. At its 9th session, held in July 2011, the Administrative Council of the 1992 Fund, acting on behalf of the 1992 Fund Assembly, instructed the Director to circulate to Member States candidatures as soon as they were received.

On 14 September 2011, the Director received a Note Verbale from the French Embassy in London, nominating Mr Frédéric Hébert for the post of Director. In accordance with the Administrative Council's decision, the Director is pleased to enclose a copy of the Note Verbale and its attachment.

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**Représentation Permanente
de la France auprès de
l'Organisation Maritime Internationale**

**OR/EB
NV N° 9/2011**

The French Representation to the International Maritime Organization in London presents its compliments to the International Oil Pollution Compensation Funds (IOPCF) and refers to the circular 92 FUND/Circ.77 of 12 August 2011 on the nomination of candidates for the position of Director of the IOPCF. The election of the new Director will take place during the 16th Assembly of the 1992 Fund, which will be held from 24 to 28 October 2011 in London.

France attaches a great importance to IOPCF, an organisation in which it has always been an active member. Through its ratification of the Convention in 1971, France made it possible for the international regime of compensation to come into force. It also promoted the evolution of the regime of the 1969/1971 Conventions to that of the 1992 Convention, actively supported the adaptation of the international regime to the expectations and needs of the victims of pollution accidents, and worked for the review of the Conventions after the sinking of the Erika (2000-2005). In the person of Mr Charles Coppolani, France held important roles in the Convention (Chair of the Executive Committee, Assemblies of the Funds in 1971 and 1992, and Chair of the Joint Audit Body, of which it actively promoted the creation).

France would like to commend the work accomplished by the Director, Mr Willem Oosterveen, who has worked to put into action the changes judged necessary by the Parties in 2005, and regrets that he cannot seek a second mandate. In this spirit, France would like to propose the candidacy of Mr Frédéric Hébert, who is currently director of the Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea (REMPEC) in Malta, for the position of Director of the IOPCF.

Following general legal training, Mr Hébert served in the Navy as administrator and legal adviser. His experience at sea and his participation in operations of preparation for the fight against pollution have given him a good understanding of situations at sea. He was then responsible for handling disputes at the Directorate for Legal Affairs at the Ministry of Finance, and represented France with the IOPCF in several incidents. Having participated actively in the work of the Funds from 1996 to 2005, he has an excellent knowledge of the practical workings of the Conventions. As Director of REMPEC in the Mediterranean from 2006, Mr Hébert has proved his professional qualities in a multilateral context (IMO and UNEP) and in a field close to that of the Funds (prevention, preparedness and the fight against pollution caused by shipping).

France considers that Mr Frédéric Hébert has the experience and the professional qualities needed to assume the roles of the IOPCF Director. Apart from his experience of managing an international organisation and his expertise in handling accidents, he has demonstrated his sense of diplomacy and proved his political sensibilities, as well as his openness to changing situations, which is vital for the role of Director of the Funds. The curriculum vitae of Mr Frédéric Hébert is attached to this note verbale.

The French permanent representation to the IMO in London avails itself of this opportunity to renew to the International Oil Pollution Compensation Funds (IOPCF) the assurance of its highest consideration.



London, 14 September 2011

IOPC Funds
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Presentation of the candidate

Surname: Hébert

First name: Frédéric

Born on 18 May 1962 in Paris, France

Nationality: French

Civil status: married, father of two children (14 and 13 years old)

Contact details:

REMPEC

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Status: Civil Administrator (*hors classe*), seconded to the International Maritime Organization

Education:

1986-1988: *Ecole du Commissariat de la Marine* (French Navy administrative officer training academy)

1984-1986: Paris Institute of Political Science (law and public finance)

1980-1984: Higher level classical and historical studies.

Languages: French, fluent English

PROFESSIONAL EXPERIENCE:

Since 2006: Director of the Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea (REMPEC) in Malta

REMPEC is a Regional Activity Centre under the Barcelona Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean, of which the Contracting Parties are the Mediterranean coastal States and the European Union. The United Nations Environment Programme (UNEP) is responsible for the Secretariat functions of the Convention, and REMPEC is administered by the International Maritime Organization (IMO). The Director is appointed by the Secretary-General of the IMO. The Centre runs technical cooperation programmes in the fields of prevention, preparedness and the fight against pollution caused by shipping. It is also responsible for activating the Regional Information System in case of emergency and for assisting to the States Parties which request it in fighting against pollution, by providing technical support or coordinating regional assistance.

As director of REMPEC, Mr Hébert has participated as lecturer and as chair in a number of regional and international seminars and colloquiums. He leads a team of 13 people and represents the Centre in various international forums.

● **2001-2005: Head of the Office of International Law and the Environment at the Directorate for Legal Affairs, Ministry of the Economy, Finance and Industry (Paris).**

● **1996-2001: Deputy Head of the Office of International Law and the Environment at the Directorate for Legal Affairs, Ministry of the Economy, Finance and Industry (Paris).**

The Directorate of Legal Affairs (DAJ) at the Ministry of the Economy, Finance and Industry has the role of legal adviser as well as that of Law Officer of the Treasury, the sole entity authorised to represent the State in front of judicial jurisdictions in France and abroad. The Office of International Law and the Environment participates in representing France in international forums and is responsible for handling legal disputes abroad. From 1996 to 2005, Mr Hébert participated in the work of the different bodies of the IOPCF, the Legal Committee of the IMO and of the United Nations Conference on Trade and Development. As legal adviser, Mr Hébert has handled numerous international arbitration cases and different procedures in front of foreign jurisdictions. In particular, he was in charge of disputes regarding the major maritime accidents that France knew during the period: Erika, Ievoli Sun, and Prestige. Mr Hébert also prepared legislative and regulatory acts needed for the ratification and transposition into internal law of maritime conventions.

● **1988- 2000: Navy Officer (purser)**

Mr Hébert served for 6 years on several battleships in the functions of administrator and legal adviser to the commander for questions relating to the law of the sea (application of the United Nations Convention on the Law of the Sea) and maritime law (assistance, towing). He was then posted to the Staff of the Admiral, Maritime Prefect of the Mediterranean, where he assumed the functions of head of marine pollution preparedness and disputes regarding administrative actions taken by the Maritime Prefect, in the “*division de l’action de l’Etat en mer*” (division for the action of the State at sea). During this period, Mr Hébert participated in the settlement of the prejudice caused by the Haven accident, and was also involved in handling various maritime incidents. He left the Navy with the rank of Commander (Chief Purser).

CANDIDATE PROFILE

1) Knowledge of the conventions on civil liability and establishing the Funds, in addition to similar conventions; experience of complex legal questions concerning the activity of the Funds, ability to understand different legal systems, to evaluate expert opinions on legal and other questions, and to make decisions on that basis.

Mr Hébert was a member of the French delegation to IOPCF from 1996 to 2005 and actively participated in the work of the different decision-making bodies and Working Groups examining the need to revise the Convention on Civil Liability. He also participated in the French representation on the IMO Legal Committee. Through his functions at the Ministry of Finance, he was responsible for questions of liability and compensation in the maritime field and is therefore very much *au fait* with the complex legal questions concerning the activity of the Funds. While responsible for the defence of national interests, including in front of foreign jurisdictions, he developed an ability to understand different legal systems and a capacity for decision-making based on the opinions of experts on legal questions. His maritime training also gives him a good understanding of the sequence of events which can lead to pollution.

2) Experience of the questions relating to the handling of compensation requests:

From 1996 to 2005, Mr Hébert was responsible for cases of compensation concerning France and disputes regarding some of the major maritime accidents that France has known, including 'Erika', 'Ievoli Sun', and 'Prestige'. He has considerable experience of management on the ground and of policy relating to this type of accident, and participated in particular, at the highest levels of the French State, in the management of the crisis after the sinking of the Erika. He has very specific knowledge of the expectations of the governments of the States Parties - and victims – with regards to the Secretariat of the Funds following an accident. He also has a good knowledge of the roles and working methods of the Secretariat of the Funds.

3) Experience of financial questions, of general administration and of personnel

Mr Hébert has solid experience of administration at several levels: that of a seaborne unit, then in central administration, and finally as Director of a Regional Activity Centre attached to an intergovernmental institution, responsible for the preparation and the execution of the budget and for all questions relating to the everyday running of the Centre. As Director of a regional centre in the Mediterranean since 2006, Mr Hébert leads a team of 13 people in a multicultural context. As part of his training as an administrator in the Navy, Mr Hébert also received training in audit techniques.

4) Experience of the public sector, mastery of decision-making and reasoning procedures particular to governments, experience of high-level negotiations, experience of relations with governments at every level and with public and private organisations.

As a Civil Administrator, Mr Hébert is a high-level civil servant, with great experience of decision-making processes, in which he has participated, and of the management of the crisis situations represented by pollution events. Through his experience in central administration on matters with an international dimension, and then as Director of REMPEC, he has participated in high-level negotiations and in the decision-making bodies of the Barcelona Convention. He has worked regularly with governments and the administrations of the contracting parties in the Mediterranean, as well as with private sector maritime partners, which he involved in the activity of the centre.

5) Experience of international conferences and intergovernmental meetings:

As representative of France at IOPCF, at the IMO (LEG) and at UNCTAD, Mr Hébert has long experience of international conferences in the context of intergovernmental organisations and regional sea agreements.

Mr Hébert gained this experience as a member of the French representation at numerous organisations (IMO, IOPCF, UNCTAD, OECD, Ramoge and Bonn Agreements) and as Director of REMPEC, both as organiser of intergovernmental meetings and as representative of the Barcelona Convention in other international forums. As such, he has also participated in numerous conferences, workshops and seminars as a speaker or moderator.

6) Experience of media relations

As Director of REMPEC, Mr Hébert has communicated frequently with the written and audiovisual media both in French and in English. He has demonstrated great ease in relations with the media.

7) Very good written and oral communication skills, including ability to draft complex documents:

Mr Hébert has long experience of drafting documents on complex matters, both at the Ministry of Finance (on disputes of which he had the charge) and at REMPEC (preparation of documents for meetings). Mr Hébert has also delivered oral presentations, particularly in

meetings, seminars and international colloquiums. In addition, he has given training on questions of liability and compensation for maritime damages.

8) Personal qualities:

The professional career of Mr Hébert has developed in two interlinked and complementary fields: 1. Legal questions and disputes over liability and compensation for damages from pollution; 2. prevention, preparedness and the fight against pollution caused by shipping.

In the course of his career, Mr Hébert has developed the qualities and skills expected of a decider. Mr Hébert has assumed his successive roles with the utmost objectivity, always demonstrating and great receptiveness. Attentive to others, he has an excellent sense of contact, knows how to prioritise and organise the tasks of a team, delegate responsibilities and motivate his colleagues. Mr Hébert has always demonstrated great integrity and a strong sense of teamwork.

His varied professional experience demonstrates that, in addition to having a good knowledge of the Funds and of the Conventions (10 years of participation in work, on particularly complex matters), he has also worked in other professional environments, which is a sign of his openness and acceptance of new situations.

His experience of the accidents which occurred in France and his participation in the governing bodies of the Funds have given him the opportunity to perfect his analytical skills, particularly in the economic and political dimension of the accidents handled by the Funds. This experience was very useful to him to fulfil his role at REMPEC, in a regional context which was, on political, diplomatic and institutional levels, complex.
