



INTERNATIONAL
OIL POLLUTION
COMPENSATION
FUNDS

Agenda item: 7	IOPC/OCT11/7/1/1	
Original: ENGLISH	22 September 2011	
1992 Fund Assembly	92A16	•
1992 Fund Executive Committee	92EC53	•
Supplementary Fund Assembly	SA7	•
1971 Fund Administrative Council	71AC27	•

APPOINTMENT OF THE DIRECTOR

CANDIDATES FOR THE POSITION OF DIRECTOR OF THE IOPC FUNDS

Note by the Secretariat

Summary:	<p>As a result of the decision of the current Director of the IOPC Funds, Mr Willem Oosterveen, not to seek a second term of office, the post of Director will become vacant on 1 November 2011, on the expiry of the Director's contract on 31 October 2011.</p> <p>In October 2011, at its 16th session, the 1992 Fund Assembly will therefore appoint a new Director who will, <i>ex officio</i>, also be Director of the Supplementary Fund and the 1971 Fund.</p> <p>Nominations of candidates for the position of Director were invited from 1992 Fund Member States by circular 92FUND/Circ.77. By the deadline of 15 September 2011, candidatures had been received from the Government of Spain in respect of Mr José Maura Barandiarán and from the Government of France in respect of Mr Frédéric Hébert.</p>
Action to be taken:	<p><u>1992 Fund Assembly</u></p> <p>Appoint a new Director of the IOPC Funds.</p> <p><u>Supplementary Fund Assembly and 1971 Fund Administrative Council</u></p> <p>Note the appointment by the 1992 Fund Assembly of a new Director of the IOPC Funds.</p>

1 Background information

- 1.1 At its 10th session, held in October 2005, the 1992 Fund Assembly appointed Mr Willem Oosterveen as Director of the 1992 Fund from 1 November 2006 for a first term of five years. It was decided that he would *ex-officio* be Director of the 1971 Fund and the Supplementary Fund also.
- 1.2 In August 2011, Mr Oosterveen informed the Chairman of the 1992 Fund Assembly that he did not wish to seek a second term of office. The post of Director of the IOPC Funds will, therefore, become vacant on 1 November 2011.
- 1.3 In accordance with the decision taken by the 9th session of the 1992 Fund Administrative Council, acting on behalf of the 1992 Fund Assembly, held in July 2011, the Secretariat issued a circular to 1992 Fund Member States communicating the decision taken by Mr Oosterveen not to seek a second term of office and inviting nominations of candidates for the position of Director by 15 September 2011. A job specification for the post of Director adopted by the 1992 Fund Assembly

at its March 2005 session was enclosed with the circular, setting out the responsibilities of the Director as well as desirable experience, skills and competences of the candidates. This job description is reproduced at Annex I (cf circular 92FUND/Circ.77).

- 1.4 The Secretariat was further requested to circulate any nominations received by that deadline to all Member States by 22 September 2011, thus providing a period of four weeks for Member States to consider the nomination(s) prior to the election of the new Director at the regular session of the 1992 Fund Assembly during the week of 24-28 October 2011.
- 1.5 By the deadline of 15 September 2011, candidatures had been received from the Government of Spain in respect of Mr José Maura Barandiarán and from the Government of France in respect of Mr Frédéric Hébert.
- 1.6 The nomination of Mr Maura, together with its supporting documents, was received on 19 August 2011 and circulated to 1992 Fund Member States in circular 92FUND/Circ.79, dated 25 August 2011. The documents relating to the nomination of Mr Maura are set out in Annex II.
- 1.7 The nomination of Mr Hébert, together with its supporting documents, was received on 14 September 2011 and was circulated to 1992 Fund Member States in circular 92FUND/Circ.80, dated 14 September 2011. The documents relating to the nomination of Mr Hébert are set out in Annex III.
- 1.8 Two further nominations from 1992 Fund Member States were received by the IOPC Funds' Secretariat, one dated 16 September 2011 and received by the Secretariat on 18 September 2011 and the other dated 17 September 2011 and received by the Secretariat on 19 September 2011. As both nominations were received after the deadline of 15 September 2011 which had been agreed by the 1992 Fund Administrative Council, acting on behalf of the 1992 Fund Assembly, at its July 2011 session, these nominations have not been taken into account. The Governments of these two Member States were informed accordingly on 20 September 2011.

2 Procedural arrangements

- 2.1 The procedural arrangements for the election of the Director of the IOPC Funds, which will take place on Wednesday 26 October 2011, will be dealt with in a separate document presented by the Chairman of the 1992 Fund Assembly (document IOPC/OCT11/7/1/2).
- 2.2 In particular, 1992 Fund Member States are reminded that any delegations whose credentials are not in order at the time of the vote will not be entitled to participate in the election of the Director of the IOPC Funds.

3 Action to be taken

1992 Fund Assembly

- 3.1 The 1992 Fund Assembly is invited:
 - (a) to note the information contained in this document; and
 - (b) to appoint a new Director of the IOPC Funds.

Supplementary Fund Assembly and 1971 Fund Administrative Council

- 3.2 The Supplementary Fund Assembly and the 1971 Fund Administrative Council are invited:
- (a) to take note of the information contained in this document; and
 - (b) to take note of the appointment by the 1992 Fund Assembly of a new Director of the IOPC Funds.

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JOB SPECIFICATION FOR POST OF DIRECTOR

OVERVIEW

There are three Fund Organisations: the International Oil Pollution Compensation Fund 1992 (1992 Fund) established under the 1992 Fund Convention, the International Oil Pollution Compensation Supplementary Fund (Supplementary Fund) established under a Protocol adopted in 2003, and the International Oil Pollution Compensation Fund 1971 (1971 Fund) established under the 1971 Fund Convention.

The International Oil Pollution Compensation Funds (IOPC Funds) are world-wide inter-governmental organisations, ie 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 35 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 and of the International Oil Pollution Compensation Fund 1971.

It is possible that the IOPC Funds Secretariat will, in a few years time, also administer the Fund to be established under the 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 and the 1971 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 three 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 35 established posts) and the characteristics of the three 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 claim-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 inter-personal 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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INTERNATIONAL
OIL POLLUTION
COMPENSATION
FUND 1992

92FUND/Circ.79
25 August 2011


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

Subject: **Nomination by Spain of Mr José Maura Barandiarán 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 19 August 2011, the Director received a Note Verbale from the Spanish Embassy in London, nominating Mr José Maura Barandiarán for the post of Director. In accordance with the Administrative Council's decision, the Director is pleased to enclose a copy of the letter and its attachment.

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ANNEX I

Original: SPANISH

SPANISH EMBASSY IN LONDON

Note Verbale N°. 318

The Embassy of Spain in London presents its compliments to the International Oil Pollution Compensation Funds (IOPC Funds) and has the honour to refer to the Funds' Circular 92FUND/Circ.77 of 12 August 2011 concerning the nomination of candidates for the position of Director of the IOPC Funds for the forthcoming election of Director of the International Oil Pollution Compensation Funds (IOPC Funds) that will be held during the 16th Assembly of the IOPC Funds from 24 to 28 October 2011.

Spain attaches great importance to the work of the IOPC Funds and is one of their main contributing countries. Spain was a Member of the 1971 Fund and is currently a Member of the 1992 Fund and the Supplementary Fund, participating very actively in all their governing bodies.

Reiterating its commitment to the work of the IOPC Funds and in accordance with the decision of the 9th session of the Administrative Council of the 1992 Fund, Spain has the honour to submit the candidature of **Mr José Maura Barandiarán**, current Acting Director of the IOPC Funds, for the position of Director of IOPC Funds.

Mr José Maura Barandiarán is well qualified and has wide experience in the field of activities of the IOPC Funds. Mr Maura has been the Acting Director of the IOPC Funds since September 2010 and has participated in the management of the IOPC Funds for the last ten years.

Mr Maura is a lawyer and he has developed a career in the field of international maritime law and the international compensation regime. He has experience in the work of the P&I Clubs and in the defence and legal representation of the interests of the IOPC Funds. During his outstanding career, he has carried out managerial, policy and representational tasks at high-level for the IOPC Funds.

In addition to these undeniable qualities, Mr Maura enjoys considerable prestige among the representatives of the Member States and in the maritime sector in general, and Spain considers him therefore to be a candidate with the knowledge, experience and ability required for assuming the responsibilities of Director of the IOPC Funds. Attached is Mr José Maura Barandiarán's *Curriculum Vitae*.

The Embassy of Spain in London takes this opportunity to renew to the IOPC Funds the assurances of its highest consideration.

London, 19 August 2011

INTERNATIONAL OIL POLLUTION COMPENSATION FUNDS
Portland House, Bressenden Place
London, SW1E 5PN

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ANNEX II

JOSE MAURA BARANDIARAN

PERSONAL DETAILS

Address: 14 Micklethwaite Road, Fulham, London, SW6 1QD, United Kingdom
Date of birth: 19 November 1960
Nationality: Spanish
Marital status: Married
Telephone office: +44 207 592 7100/14
Telephone mobile: +44 773 082 2313
E mail: jose.maura@iopcfund.org

PROFESSIONAL EXPERIENCE

Acting Director, IOPC Funds (2010 to date)

Acting Director¹ of the International Oil Pollution Compensation Funds (IOPC Funds) from October 2010 to date. During this period, undertook the full duties of the Director, managing the Secretariat pending the return of the Director to perform his duties. As Acting Director, carried out the role of chief administrative officer of the IOPC Funds. This involved appointing personnel, managing the assets of the IOPC Funds in liaison with the Investment Advisory Body, participating in the work of the joint Audit Body, overseeing the collection of contributions due under the Conventions, ensuring the proper and timely processing and settlement of claims, liaising with Member Governments where appropriate, appointing lawyers and experts to assist as necessary and preparing and issuing, in conjunction with the Chairmen of the Governing Bodies, all reports, statements and documentation necessary for the organisation and running of the October, 2010, March 2011 and July 2011 meetings of the Assembly and subsidiary bodies.

Head of Claims Department, IOPC Funds (2002 to 2010)

Head of the Claims Department². Responsible for the management of the claims team and the coordination of oil spill incidents involving the IOPC Funds. The role involved the supervision of, in particular, oil spill incidents such as Prestige (Spain, France and Portugal, 2002), Solar 1 (Philippines, 2005), Volgoneft 139 (Russian Federation, 2007) and Hebei Spirit (Republic of Korea, 2007).

Claims Manager, IOPC Funds (1996 to 2002)

Management of oil spill incidents including Aegean Sea (Spain, 1992), Sea Empress (UK, 1996), Nissos Amorgos (Venezuela, 1997) and Erika (France, 1999).

Practising lawyer, Fernando Meana Green & Co (1993 to 1996)

Practising lawyer in Madrid specialising in maritime law. Represented various clients including P&I Clubs. Represented the interests of the IOPC Funds before the Spanish Courts in the *Aegean Sea* incident.

¹ (USG level of the United Nations)

² (D1 level of the United Nations)

Claims Manager, Britannia P&I Club (1988 to 1993)

Management of P&I claims for the Britannia P&I Club in London. At the time, Britannia insured approximately 15% of the world's merchant tonnage. Handled matters concerning the Spanish and Egyptian fleets entered with the Club (arrest of ships, claims for cargo damage, collisions).

EDUCATION

1992 - Master Business Administration, MBA (City University, London, United Kingdom)

1987 - Master of Laws, LL.M. (Bristol University, Bristol, United Kingdom)

1985 - Law Degree (University of Deusto, Bilbao, Spain)

LANGUAGES

Fluent in the three official languages of the IOPC Funds: English, French & Spanish

COMPETENCE KEY FEATURES

Management experience

Nine years experience at management level at the IOPC Funds including one year experience as Acting Director has provided a full understanding of all aspects of the management of the Secretariat including personnel, financial and legal issues.

Governance and Financial Management

Participated, as Acting Director, in the meetings of the Organisation's Joint Audit Body, Investment Advisory Body and the National Audit Office, the IOPC Fund's external auditors.

Knowledge of the Civil Liability and Fund Conventions

Altogether fifteen years at the IOPC Funds and legal training have provided an expert knowledge of the International Conventions and their application.

Incident and Claims Management

Considerable experience in negotiations, sometimes difficult, at different levels. When amicable settlements with claimants are not possible, the IOPC Funds have to defend the criteria for admissibility of claims established by the Member States before the courts of the country where the damage has occurred. This has happened in several countries including Argentina, People's Republic of China, France, Republic of Korea, Russian Federation, Spain, the United Kingdom and Venezuela, providing valuable experience of different legal systems within which the IOPC Funds have to operate.

General and Strategic Management

Experience as Acting Director and as a member of the Management Team in dealing with the day-to-day management of the Secretariat as well as with strategic medium and long term issues affecting the organisation. This has required dealing with issues of political and strategic importance as well as with legal, technical and financial decisions.

Working with Governments, Public and Private Bodies

An important part of the role of the Acting Director is the development of political and diplomatic relationships between the organisation and the Governments of Member States affected by oil spills. Worked with various Governments of Member States and their Administration, in particular, Argentina, China, France, Republic of Korea, Russian Federation, Spain, the United Kingdom and Venezuela amongst others.

Intergovernmental Meetings

Participated in the conferences that adopted the 1996 International Convention on liability and compensation for damage in connection with the carriage of hazardous and noxious substances by sea (HNS Convention) and the 2010 HNS Protocol. Also took part in the conference that adopted the Protocol of 2003 that established the Supplementary Fund Convention.

International Seminars and Conferences

Extensive experience representing the IOPC Funds at seminars, conferences and workshops in Africa, Asia, Europe, Middle East, North America, Caribbean, Latin America and Australia. Also represented the IOPC Funds before many international forums.

Media Relations

As a result of the growing importance of oil spills in public opinion gained considerable experience in giving interviews in different countries on television, radio and in the press as spokesman on behalf of the IOPC Funds..

Personal Attributes

Acted with the utmost objectivity, exercising fairness and diplomacy both with Member States, claimants, experts and colleagues. A good appreciation of the need for flexibility and openness to change in the operation of the compensation regime. Both by qualification and experience, possesses excellent management skills, with the ability to prioritise, delegate and motivate.



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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ANNEX I



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.

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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
23rd Floor Portland House
Bressenden Place
SW1E 5PN London***

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ANNEX II

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

Maritime House, Lascaris Wharf

La Valette VLT 1921

MALTA

+356 21337 296/7/8

FHebert@rempec.org

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 a 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.