



INTERNATIONAL  
OIL POLLUTION  
COMPENSATION  
FUNDS

Agenda item: 7	IOPC/OCT11/7/1/8	
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1992 Fund Assembly	92A16	•
1992 Fund Executive Committee	92EC53	•
Supplementary Fund Assembly	SA7	•
1971 Fund Administrative Council	71AC27	•

## APPOINTMENT OF THE DIRECTOR AND TERM OF OFFICE

### Document submitted by France

<b>Summary:</b>	This document proposes to amend the conditions for the appointment of the Director of the IOPC Funds, with a view to ending the automatic renewal of the Director's contract at the end of his first term of office and to limit to two the possible terms of office.
<b>Action to be taken:</b>	<u>1992 Fund Assembly</u>  (a) to take note of the information contained in this document;  (b) to decide whether to approve the proposed amendments to Resolution N°9 of the 1992 Fund Assembly concerning the appointment of the Director and term of office.  <u>Supplementary Fund Assembly and 1971 Fund Administrative Council</u>  Take note of the decisions taken by the 1992 Fund Assembly.

### 1 Introduction

- 1.1 At the July 2011 sessions of the governing bodies of the IOPC Funds, the 1992 Fund Administrative Council, acting on behalf of the 1992 Fund Assembly, considered that it would be necessary shortly to review Resolution N°9 adopted in October 2004 by the 1992 Fund Assembly which fixed the term of office of the Director and the modalities for its renewal (document IOPC/JUL11/8/1, paragraph 4.1.6).
- 1.2 As a new Director is to be appointed at the October 2011 session, the French delegation proposes that the conditions for renewal of the appointment of the future Director and the term of his office should be re-examined on this occasion.

### 2 Current rules

- 2.1 Article 18.4 of the 1992 Fund Convention provides that the Assembly is responsible for appointing the Director and determining his terms and conditions of service.
- 2.2 Rule 54 of the Rules of Procedure of the 1992 Fund Assembly provides that: 'For the appointment of the Director, the Assembly shall vote by secret ballot in a private meeting'.
- 2.3 Resolution N°9 adopted in October 2004 by the 1992 Fund Assembly provides that Directors of the IOPC Funds shall be appointed for an initial term of five years, which may be renewed once by decision of the 1992 Fund Assembly. However, a further extension of the Director's term of office may be decided by the Assembly in view of exceptional circumstances

2.4 In practice, if the Director seeks a second term, no election is held and the renewal is automatic.

**3 Proposal**

3.1 The French delegation considers that, in the interests of good governance, the second term of the Director should not be automatic. An election should take place before the end of each term of office and candidacies should be received at least six months before the date on which the Assembly will appoint the Director.

3.2 In addition, the number of terms should be limited to two.

3.3 The French delegation therefore proposes to amend Resolution N°9 adopted by the 1992 Fund Assembly at its session of October 2004. The draft amended resolution is appended to this document as an Annex.

**4 Action to be taken**

1992 Fund Assembly

4.1 The 1992 Fund Assembly is invited:

- (a) to take note of the information contained in this document; and
- (b) to decide whether to approve the proposed amendments to Resolution N°9 of the 1992 Fund Assembly concerning the appointment of the Director and term of office (these amendments are underlined in the text of the Annex).

Supplementary Fund Assembly and 1971 Fund Administrative Council

4.2 The Supplementary Fund Assembly and the 1971 Fund Administrative Council are invited to take note of the decisions taken by the 1992 Fund Assembly.

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## ANNEX

### **Resolution N°9 on the Appointment of the IOPC Funds' Director – Term of service** (October 2004)

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 more specific rules for the serving of successive terms 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 appointment may be renewed for one additional term of up to five years following a vote by the Assembly in a private meeting.
  - 3 ~~A further extension of the Director's term of office may be decided by the Assembly in view of exceptional circumstances.~~
  - 4 Candidacies for the post of Director must reach the IOPC Funds' Secretariat at least six months before the date on which the Assembly will proceed to appoint the Director or renew his contract, as the case may be.
  - 5 This resolution shall be referenced by footnote to Rule 54 of the Rules of Procedure of the Assembly.
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