



## APPOINTMENT OF DIRECTOR

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

<b>Summary:</b>	It is proposed that the Director of the Supplementary Fund should <i>ex officio</i> be the Director of the 1992 Fund.
<b>Action to be taken:</b>	To appoint a Director of the Supplementary Fund.

#### 1 The issue

- 1.1 In accordance with Article 16.2 of the Supplementary Fund Protocol and Article 18.4 of the 1992 Fund Convention, the Assembly shall appoint a Director of the Supplementary Fund.
- 1.2 At its October 2003 session the 1992 Fund Assembly instructed the Director to base the preparatory work on the assumption that the Supplementary Fund would have its Headquarters in London and that the 1992 Fund and the Supplementary Fund would be administered by a joint Secretariat headed by a single Director (document 92FUND/A.8/30, paragraph 7.8).
- 1.3 In connection with the transfer of the Secretariat function from the 1971 Fund to the 1992 Fund, the 1971 Fund Assembly decided, at its 4th extraordinary session held in April/May 1998, that the Director of the 1971 Fund should *ex officio* be the person who held the post of Director of the 1992 Fund, provided that the Assembly of the 1992 Fund agreed thereto and that the Director of the 1992 Fund agreed to carry out the functions of the Director for the 1971 Fund also (document 71FUND/A/ES.4/16, paragraph 15.1.27).
- 1.4 It is proposed that the corresponding arrangement should be made in respect of the Supplementary Fund, ie that the Director of the Supplementary Fund should *ex officio* be the person holding the post of Director of the 1992 Fund.
- 1.5 If this arrangement were to be chosen, the Assembly should make a request to this effect to the 1992 Fund Assembly and the 1971 Fund Administrative Council.
- 1.6 It will be recalled that when the matter was considered at the 1992 Fund Assembly's May 2004 session one delegation pointed out that in intergovernmental organisations the Executive Head was normally a national of one of the Member States. However, other delegations emphasised that qualifications were more important than nationality when appointing the Director of the Supplementary Fund. One delegation further pointed out that in order to be consistent with the approach of keeping costs to a minimum, it would be necessary for the Director of the Supplementary Fund to be *ex officio* the person holding the post of Director of the 1992 Fund regardless of nationality.

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1.7 As regards the possible conflict of interests between the Supplementary Fund and the 1992 Fund, reference is made to document SUPPFUND/A.1/10.

**2 Action to be taken by the Assembly**

The Assembly is invited to decide on the appointment of a Director of the Supplementary Fund.

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