



INTERNATIONAL
OIL POLLUTION
COMPENSATION
FUNDS

ASSEMBLY
13th session
Agenda item 18

92FUND/A.13/16
5 September 2008
Original: ENGLISH

ASSEMBLY
4th session
Agenda item 17

SUPPFUND/A.4/15

ADMINISTRATIVE COUNCIL
23rd session
Agenda item 15

71FUND/AC.23/13

ELECTION OF MEMBERS OF THE JOINT AUDIT BODY

Note by the Director

Summary:

The term of office of the present members of the joint Audit Body of the three Funds will expire at the October 2008 sessions of the IOPC Funds' governing bodies and an election of the members for a new term of office will take place at the October 2008 session of the 1992 Fund Assembly.

In response to a circular dated 21 January 2008 from the Director calling for nominations, five nominations had been received from 1992 Fund Member States by the deadline of 16 May 2008.

At its June 2008 extraordinary session, the Administrative Council, acting on behalf of the 1992 Fund Assembly, decided that the candidates whose nominations had been received within the deadline given in the first circular would be automatically elected in October 2008. The Administrative Council further decided that a second circular would be sent by the Director to 1992 Fund Member States calling for further nominations to fill the remaining position and that if more than one candidature was received for this position, an election would take place.

A second circular was sent to 1992 Fund Member States on 8 July 2008 inviting further nominations to fill the remaining position. By the deadline of 29 August 2008 only one further nomination had been received.

The term of office of the member of the Audit Body not related to the Organisations ('outsider') with expertise and experience in audit matters, Mr Nigel Macdonald, will also expire at the October 2008 session of the governing bodies when he will at that time have served two terms of office of three years each. At its June 2008 extraordinary session, the Administrative Council, acting on behalf of the 1992 Fund Assembly, endorsed the proposal of the Chairman of the 1992 Fund Assembly that he recommend to the governing bodies at their October 2008 sessions that Mr Macdonald be allowed, as an exceptional measure, to be re-elected for a further and final term of three years in order that the new Audit Body could benefit from the experience that he had gained during his time in

office.

Action to be taken: 1992 Fund Assembly:

- (a) confirm the decision taken by the Administrative Council, acting on behalf of the 1992 Fund Assembly, at its June 2008 session and elect the five members of the Audit Body whose candidatures had been received by the deadline given in the Director's first circular;
- (b) elect the remaining member of the Audit Body nominated by 1992 Fund Member States; and
- (c) decide, in accordance with the recommendation made by the Chairman of the 1992 Fund Assembly and endorsed by the Administrative Council, acting on behalf of the 1992 Fund Assembly, at its June 2008 session, that Mr Nigel Macdonald, as the 'outsider' with expertise and experience in audit matters, as an exceptional measure, be re-elected for a further and final three-year term.

Supplementary Fund Assembly and 1971 Fund Administrative Council:

- (a) information to be noted; and
- (b) results of the election to be noted.

1 Introduction

- 1.1 In order to increase the transparency of the operation of the IOPC Funds the governing bodies of the 1992 Fund and 1971 Fund decided at their October 2001 sessions to establish a joint Audit Body for the two Organisations. The first election of members of this Audit Body was held in October 2002.
- 1.2 At their sessions held in March 2005, the 1992 Fund Assembly, the Supplementary Fund Assembly and the 1971 Fund Administrative Council decided that there should be a joint Audit Body for the three Funds. The governing bodies further decided that the Supplementary Fund Assembly and the 1971 Fund Administrative Council should not hold elections of the Audit Body Members but instead leave this function to the 1992 Fund Assembly (documents 92FUND/A/ES.9/28, section 19, SUPPFUND/A.1/39, section 31 and 71FUND/AC.16/15, section 8).
- 1.3 The composition and mandate of the joint Audit Body, as decided by the governing bodies at the March 2005 sessions, is set out at Annex I. In this respect, it should be noted that the Audit Body has submitted a revised composition and mandate of the joint Audit Body which will be considered by the 1992 Fund Assembly under a separate agenda item (cf documents 92FUND/A.13/10/1, SUPPFUND/A.4/9/1, 71FUND/AC.23/6/1).
- 1.4 The last election of members of the Audit Body took place in October 2005. Since the mandate of the members of the Audit Body is for three years, the 1992 Fund Assembly will elect a new Audit Body at this session.

2 Composition of the Audit Body

- 2.1 The Audit Body is composed of seven members elected by the governing bodies: one named Chairman nominated by 1992 Fund Member States, five named individuals nominated by 1992 Fund Member States and one named individual not related to the Organisations ('outsider'), with expertise and experience in audit matters, nominated by the Chairman of the 1992 Fund Assembly.

- 2.2 Of the Audit Body elected in October 2005, two members have only served one term and are eligible for re-election for a second term of three years. These are:

Mr Mendim Me Nko'o (Cameroon)
Mr Wayne Stuart (Australia)

- 2.3 In January 2008 the Director issued a circular informing 1992 Fund Member States that nominations of candidates for the six members from 1992 Fund Member States for election to the Audit Body, accompanied by their curriculum vitae, should be submitted to him by 16 May 2008 at the latest. In the circular attention was drawn to the fact that nominations could only be made by 1992 Fund Member States. It was also mentioned in the circular that those present members of the Audit Body who wished to be re-elected for a second term of three years needed to be nominated by a 1992 Fund Member State (Circular 92FUND/Circ.59, 71FUND/Circ.88 and SUPPFUND/Circ.9).
- 2.4 The term of office of the member of the Audit Body not related to the Organisations ('outsider') with expertise and experience in audit matters, Mr Nigel Macdonald, will also expire at the October 2008 session of the governing bodies when he will have served two terms of office.

3 Consideration by the 1992 Fund Assembly at its 13th extraordinary session

- 3.1 The Administrative Council, acting on behalf of the 1992 Fund Assembly, noted at its 13th extraordinary session, held in June 2008, that the following nominations had been received from Member States by 16 May 2008 (cf document 92FUND/A/ES.13/3):

| | |
|----------------------------------|---------------------------------|
| Mr Mendim Me Nko'o (Cameroon) | Presented by Cameroon |
| Professor Seiichi Ochiai (Japan) | Presented by Japan |
| Mr Emile Di Sanza (Canada) | Presented by Canada |
| Mr Wayne Stuart (Australia) | Presented by Australia |
| Mr John Wren (United Kingdom) | Presented by the United Kingdom |

- 3.2 The Administrative Council decided that the candidates whose nominations had been received within the deadline given in the first circular would automatically be elected in October 2008. The curriculum vitae of these candidates are at Annex II.
- 3.3 The Administrative Council further decided that a second circular would be sent by the Director to 1992 Fund Member States calling for further nominations to fill the remaining position. If more than one candidature was received for this position, an election would take place.
- 3.4 With respect to the one named individual not related to the Organisations ('outsider'), the Chairman of the Assembly put forward the candidature of Mr Nigel Macdonald for re-election and recommended that the Administrative Council decide that, as an exceptional measure, Mr Macdonald be allowed to be re-elected to the Audit Body in October 2008 for a further and final three-year term in order that the new Audit Body could benefit from the experience that he had obtained during his time in office (cf document 92FUND/A/ES.13/3/1).
- 3.5 The Administrative Council endorsed the Chairman's recommendation that the Administrative Council, acting on behalf of the 1992 Fund Assembly, decide that, as an exceptional measure, Mr Macdonald be allowed to be re-elected to the Audit Body in October 2008 for a further and final three-year term. Mr Macdonald's curriculum vitae is at Annex III.

ANNEX I

COMPOSITION AND MANDATE OF THE JOINT AUDIT BODY OF THE 1992 FUND, THE 1971 FUND AND THE SUPPLEMENTARY FUND^{<1>}

(As decided by the governing bodies in October 2002 and revised in March 2005 to take into account the entry into force of the Supplementary Fund Protocol)

- 1 The Audit Body shall be composed of seven members elected by the 1992 Fund Assembly: one named Chairman nominated by 1992 Fund Member States, five named individuals nominated by 1992 Fund Member States and one named individual not related to the Organisations (“outsider”), with expertise and experience in audit matters nominated by the Chairman of the 1992 Fund Assembly. Nominations, accompanied by the curriculum vitae of the candidate, should be submitted to the Director at least six weeks in advance of the session at which the election will take place.
- 2 Members of the Audit Body shall hold office for three years, once renewable. Of the first Audit Body to be elected, the term of three of those elected from 1992 Fund Member States shall not be renewable.
- 3 The members of the Audit Body shall perform their functions independently and in the interest of the Organisations as a whole. The members elected from 1992 Fund Member States shall not receive any instructions from their Governments.
- 4 Travel and subsistence expenses of the six members of the Audit Body elected from 1992 Fund Member States shall be paid by the Organisations. The member not related to the Organisations (“outsider”) shall be paid travel expenses and an appropriate fee.
- 5 The Audit Body shall:
 - (a) review the effectiveness of the Organisations regarding key issues of financial reporting, internal controls, operational procedures and risk management;
 - (b) promote the understanding and effectiveness of the audit function within the Organisations, and provide a forum to discuss internal control issues, operational procedures and matters raised by the external audit;
 - (c) discuss with the External Auditor the nature and scope of each forthcoming audit;
 - (d) review the Organisations’ financial statements and reports;
 - (e) consider all relevant reports by the External Auditor, including reports on the Organisations’ financial statements; and
 - (f) make appropriate recommendations to the governing bodies.
- 6 The Audit Body shall normally meet at least twice a year. The Chairman of the Audit Body and the External Auditor may request that additional meetings should be held. The meetings shall be convened by the Director, in consultation with the Chairman of the Audit Body.
- 7 The External Auditor, the Director and the Head of the Finance and Administration Department shall normally be present at the meetings.

^{<1>} N.B. A proposed revised Composition and Mandate has been submitted for the consideration of the governing bodies under a separate agenda item (document 92FUND/A.13/10/1, SUPPFUND/A.4/9/1, 71FUND/AC.23/6/1).

- 8** The Chairman of the Audit Body shall report on its work to each regular session of the governing bodies.
- 9** Every three years the functioning of the Audit Body and its mandate shall be reviewed by the governing bodies on the basis of an evaluation report from the Chairman of the Audit Body.

* * *

ANNEX II

**LETTERS OF NOMINATION
AND CURRICULUM VITAE
OF THE FIVE NOMINEES RECEIVED IN RESPONSE
TO THE DIRECTOR'S CIRCULAR OF
21 JANUARY 2008**

HIGH COMMISSION FOR THE
REPUBLIC OF CAMEROON

Peace – Work – Fatherland



HAUT COMMISSARIAT POUR
LA REPUBLIQUE DU CAMEROUN

Paix – Travail – Patrie

84 Holland Park
London W11 3SB
Tel: 020 7727 0771
Fax: 020 7792 9353
www.cameroonhighcommission.co.uk
highcom@cameroonhighcommission.co.uk

N° 47 HCL/DHC/08

London, 21 April 2008,

Ms Jill MARTINEZ
Personal Assistant to the Director,
IOPC FUNDS
Portland House, Bressenden Place
London, SW1E 5PN.

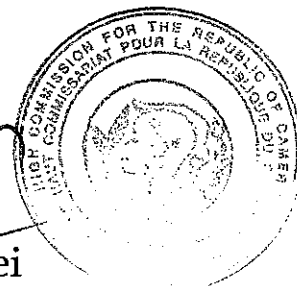
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Dear Ms Martinez,

I have the honour to forward herewith for the high attention of the Director of IOPC Funds, the curriculum vitae of **Mr MENDIM ME NKO'O**, the **Cameroon candidate for re-election as Member of the Audit Body of the International Oil Pollution Compensation Funds (IOPC Funds)**.

Yours Sincerely,


Samuel Libock Mbei
High Commissioner.



Enc: As indicated.

CURRICULUM VITAE

Personal information

Name: MENDIM ME NKO'O
Date of birth: 3 October 1950
Place of birth: Enongal, Cameroon

Family status: Married and father of seven children

Education

Primary school: Ecole EPC Nko'étyé
Secondary school: Collège Moderne EPC, Elat-Ebolowa
Collège Bonneau, Ebolowa
Lycée de New Bell, Douala

University studies

Université Claude Bernard, Lyon I, France (sciences et techniques)
Institut d'Administration et de Gestion des Entreprises, Lyon III, France (accounting)

Diplomas:

Certificate of Primary School Studies
Brevet d'Etudes du Premier Cycle
Examen Probatoire D
Baccalauréat D
Diplomes d'Etudes Comptables Supérieures
Certificat Supérieure Juridique et Fiscal du Diplôme d'Expertise et de Gestion Comptable

Additional training and seminars

Re-evaluation of financial results in Cameroon (Douala)
Administrative correspondence (CENAM Yaoundé)
National budgeting (ILI, Washington, D.C.)
Computer management of stocks (Abidjan)
English at the ELS Language Center (Philadelphia)
Credit and Documentation (Crédit Lyonnais, Paris)
Stock markets (Crédit Lyonnais, Paris)
Public contracts (ARMP, Yaoundé)
Financial management/Cost control/Joint accounts (MDT International, Aberdeen, Scotland)
Auditing oil costs (Ernst and Young, Paris)
Internal auditing (methods, establishment) (Ernst and Young, Paris)

Professional experience

| Employers | Positions | Dates |
|--|------------|------------|
| Cameroon Presbyterian Church | Teacher | 1973-1981 |
| Société Lyonnaise de Banque and the Conseil de l'Ordre des Experts Comptables de Paris | Trainee | 1981-1983 |
| SONEL (Electricity, Cameroon) | Accountant | 1983-1985 |
| UDEAC/CEMAC | Accountant | 1985 |
| National Hydrocarbons Corporation (SNH) | Various | Since 1985 |

Career with SNH

Recruited in May 1985 as financial officer and accountant

Positions occupied:

| Position | Dates | Title |
|--|--------------|-----------------------------------|
| National Accounts-Finance Office | 1985 | Official |
| Budget Office-Finance Office | 1991 | Deputy Head |
| Budget Office-Finance Office | 1992 | Head |
| Treasury | 1993 | Head |
| Budget Office | 1997 | Head |
| Department for Strategy and Development Monitoring | 2000 2001 | Head of Budget Deputy Director |
| Department for Budget and Monitoring | 2003 2004 | Deputy Director Director |
| Finance Office | Since 2007 | Director |

Other Activities:

UDEAC/CEMAC certified accountant since 1984

Audit of oil associations: Auditor/head of mission

Audit of the activities and services of the Secretariat of the African Petroleum Producers Association (APPA)

Board Member:

- Crédit Agricole du Cameroun
- Hydrocarbures Analyses Contrôles SA
- Hydrac Pipelines SA
- Chantier Naval et Industriel du Cameroun (CNIC)
- Union Industrielle du Cameroun (for CNIC)
- International Business Corporation SA (steel and metals)
- Member of the SNH team on the Monitoring Committee for Economic Programmes in Cameroon (IMF and World Bank)
- Member of the Technical Secretariat of the National Committee of the Extractive Industries Transparency Committee (EITI)
- Coordinator of the SNH team for EITI
- Chairman of the Board of the Institute of Internal Auditors (IIA Cameroon) since 2006
- Chairman of the Centre Interdisciplinaire et Interreligieux de Recherche en Ethique (CIIRE) (the Cameroon branch of the Global Ethics network)
- Member of the IOPC Funds Joint Audit Body (2005 – 2008)
- Auditor of Pecten Cameroon Company LLC (Shell Oil Company subsidiary) since 1997
- Member of the SNH team for international arbitration procedures in Cameroon

Commissions:

Promotion/reclassification

Loans

Markets

Contracts

Contracts and oil operations

Permanent Commission for negotiating oil and gas contracts
Organization of the 20th anniversary of SNH
Organization of the UNCTAD Conference
Organization of the 2008 25th Conference of APPA ministers in Cameroon

Committees

Review of SNH missions
SNH debt
Establishment of a complementary retirement fund for SNH
Accession of SNH to the Collective Convention of Petroleum Companies
Dry exploration in the Cameroon Oil Contract
Promotion of oil exploration in Cameroon
SNH/MOBIL debt

Honours

Silver medal of Honour (1994)
Vermeil Medal of Honour (1994)
Gold Medal of Honour (2000)
Knight of the Cameroon National Order of Merit (2002)
Officer of the Cameroon National Order of Merit (2005)
Knight of the National Order of Valour (2004)

Yaoundé, 29 February 2008

(signed)

MENDIM ME NKO'O

EMBASSY OF JAPAN

101-104 PICCADILLY

LONDON

W1J 7JT

12 May 2008

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Mr W Oosterveen
 Director
 International Oil Pollution Compensation Funds
 Portland House
 Bressenden Place
 London
 SW1E 5PN

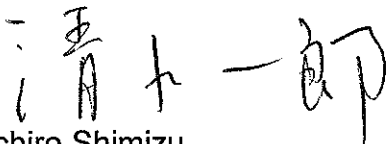
Dear Mr Oosterveen

Joint Audit Body

I am pleased to inform you that the Japanese Government would like to nominate Professor Seiichi OCHIAI as member of the Audit Body and I enclose herewith a copy of his Curriculum Vitae for your information.

I am confident that Mr Ochiai's experience and expertise will significantly contribute to the future developments of the IOPC Fund.

Yours sincerely



Ichiro Shimizu
 Counsellor (Transport)

CURRICULUM VITAE

Professor Seiichi OCHIAI

Born 10th April 1944, Tokyo, JAPAN

Qualifications 1974 LL.M., the University of Tokyo
1968 LL.B., the University of Tokyo

Permanent Positions

- 2007 - Professor of Law, Chuo Law School
- 2007 - Professor Emeritus, the University of Tokyo
- 2007 - Director, Nishimura Institute of Advanced Legal Studies
- 2007 - President of the Japanese Society of Insurance Science

Professional Background

- 2006- President of the Japan Mergers & Acquisitions Forum
- 2005 - President of the Japan Corporate Governance Forum
- 2006 -2007 President of Japan Law and Economics Association
- 1997 -2002 President of the Japanese Association of Private Law
(The most prestigious academic association for university professors on Private Law in Japan).
- 1990 - 2007 Professor, the University of Tokyo (Faculty of Law)
- 1987 -1999 Member of the Science Council of Japan
- 1981 - 1990 Professor, Seikei University (Faculty of Law)
(1982-1984 head of Law section)
- 1980-1981 Visiting Scholar at Yale Law School (USA)
- 1977 - 1981 Associate Professor, Seikei University (Faculty of Law)

Other Activities

1. The IOPC Fund Activities

Attended the 1992 Fund Assembly as Representative of the Japanese Government or Advisor for Japanese delegation;

- 2005 - 2008 First Vice-Chairman of the 1992 Fund Assembly
- 2004 - 2005 Second Vice-Chairman of the 1992 Fund Assembly
- 2001 - 2008 Representative of Japanese delegation
- 2000 - 2001 Adviser for Japanese delegation

Also attended the following Conferences;

2003 The Diplomatic Conference on the IOPC Supplementary Fund Protocol as a representative of Japanese delegation.

1984 The Diplomatic Conference on the HNS Convention as a representative of Japanese delegation.

2. Other Major International Activities

1994 Head of Japanese delegation for UNCITRAL/UNCTAD Joint W/G on Convention of Arrest of Ships as a head of Japanese delegation

1985 -1988 Head of Japanese delegation for UNCITRAL W/G on the Convention of Liability of Operators of Transport Terminals

1985- Titulary Member of the Comite Maritime International (the CMI). I, as a Japanese delegate, attended International Conferences of the CMI in Montreal, Lisbon, Paris, Sydney, Singapore and Vancouver.

1978 Member of Japanese delegation for Diplomatic Conference on the Hamburg Rules in 1978.

3. Major Public Activities in Japan

2007 - Councilor of the Maritime Affairs Council, the Japan Maritime Center

2007 - Chairman of the Commission for the IMO Legal Committee, the Maritime Affairs Council, the Japan Maritime Center

2007 - Chairman of the Commission for the Oil Pollution Affairs, Maritime Affairs Council, the Japan Maritime Center

2006 - Chairman of Supervisory Commission for Public-Private and Private-Private competitive Tenderings (the Market Test Committee), Cabinet Office, Government of Japan

2003 - Chairman of M&A research Committee, Economic and Social Research Institute, Cabinet Office, Government of Japan

2005 - 2007 President of the Quality-of-Life Policy Council, Cabinet Office, Government of Japan

2004 - 2006 Councilor of the Shipping Affairs Council, the Japan Maritime Development Association

2004 - 2006 Head of the Administration Planning Board of the Shipping Affairs Council, the Japan Maritime Development Association

2004 - 2006 Chairman of the Committee for the Oil Pollution Affairs, Shipping Affairs Council, the Japan Maritime Development Association

2004 - 2006 Chairman of the Committee for the IMO Legal Committee, Shipping Affairs Council, the Japan Maritime Development Association

2004 - 2006 Member of the Commission for Maritime Law and Law of the Sea, Shipping Affairs Council, the Japan Maritime Development Association

2003 - 2007 Chairman of the Committee for Quality-Life Policy, Cabinet Office, Government of Japan

1998 - 2004 Member of the Central Labour Relations Commission, Ministry of Health, Labour and Welfare, Government of Japan

1998 -2001 Chairman of Stock-Price Evaluation Commission, Financial Services Agency, Government of Japan

1991 - 2005 Member of Legislative Council, Ministry of Justice, Government of Japan

1974 - 2003 Member of the First Working Committee, Council for International Shipping Affairs, the Japan Maritime Development Association

Major Publications

1. Major Books

An Introduction to Commercial Law (Hoso-Daigaku Press, 2003)

Consumer Contract Law (Yuhikaku Press, 2001)

Major Legal Issues on Modern Transport Law (Kobundo Press, 1994)

Fundamental Theory on Liability of Carriers (Kobundo Press, 1979)

Commercial Law: Part 1(General Rules, Commercial Transactions) 3rd ed., (Yuhikaku Press, 2007) (co-authors)

Commercial Law: Part 2(Corporate Law) 7th ed., (Yuhikaku Press, 2007) (co-authors)

Major Issues on Modern Mergers & Acquisitions in Japan (Shoji-Homu Press, 2006) (co-authors)

The Maritime Law System: A Centenary of the Japanese Maritime Law Association (Shoji-Homu Press, 2003) (co-authors)

A New Era of Japanese Consumer Law (Chuo-Hoki Press, 2001) (co-authors)

Corporations, Business and Law (Iwanami Press, 1997) (co-authors)

Comparative Legal Studies on Collective Investment Schemes (Yuhikaku Press, 1995) (co-authors)

2. Articles

Over 100 scholarly articles, which have been appeared in numerous prestigious publications such as Hogaku-kyokai Zatsushi (Tokyo University Law Journal), Min-Shoho Zatsushi (Civil & Commercial Law Journal), The Jurists, The Shoji-Homu (Commercial Law Review), The NBL (The New Business Law) , Kaijiho Kenkyukai-Shi (The Maritime Law Journal) and Kaiho Kai-Shi (Annual Report of the Japanese Maritime Law Association) .



Transport
Canada

Transports
Canada

Assistant
Deputy Minister

Sous-ministre
adjoint

Policy

Politiques

Your file Votre référence

Our file Notre référence

MAY 05 2008

Mr. Willem Oosterveen
Director
International Oil Pollution Compensation Fund
Portland House, Stag Place
London SW1E 5PN
United Kingdom

Dear Mr. Oosterveen:

This letter is in reference to Circular 92FUND/Cir.59 calling for nominations from Member States to the Joint Audit Body of the International Oil Pollution Compensation (IOPC) Funds.

It is my pleasure therefore to submit to you Canada's candidate for election at the October sessions, Mr. Emile Di Sanza. As the attached curriculum vitae demonstrates, he has had a very distinguished career, which most recently included the position of Director General of Marine Policy in the Department of Transport, before he retired from the public service in April, 2008.

Mr. Di Sanza has extensive experience working with the marine industry in many areas of public policy and was responsible for Canada's policy on liability and compensation regimes, including the IOPC Funds, where he served as the Head of the Canadian delegation between 2002-2005. He is a high caliber candidate and we are confident he would make a meaningful contribution to the work of the Audit Body.

Sincerely,

Kristine Burr

c.c. Mr. Emile Di Sanza

Encl.

Canada

EMILE DI SANZA

225 Hidden Valley Private
Ottawa, ON K1C 7R1
Canada

Tel: 613 841-7207
Email: emiledisanza@rogers.com

EDUCATION:

Honours B.A. – McGill University (1974)
M.A. – McMaster University (1978)

LANGUAGES: Fluency in English, French, Italian + basic Spanish

OCCUPATION

Senior Executive in Canadian public service (retired April 2008)

PROFESSIONAL EXPERIENCE

Approximately 30 years in the transportation sector

Development of economic policies, strategies and measures related to domestic and international marine services, port authorities, ferry services, short sea shipping, coastal transportation services, bilateral and multilateral agreements and marine liability regimes

Management of human and financial resources; performance monitoring and oversight of governance, operations and capital management of large crown corporations and not-for-profit organizations related to the marine portfolio

Consultations and negotiations with international organizations, foreign governments, provincial and municipal authorities, shipping organizations and private sector interests

Negotiation and development of administrative agreements and frameworks with government and non-government entities domestically and internationally

Served on special Task Forces, Advisory Committee and as spokesperson on domestic and international issues at conferences, forums, bilateral and multilateral meetings

Served as Head of the Canadian Delegation to the International Oil Pollution Funds

CAREER HISTORY

May 2003-April 2008
Director General – Marine Policy, Department of Transport

May 2002- April 2003
Acting Director General – Marine Policy, Department of Transport

April 2002-October 2005: Head of the Canadian delegation to IOPC

December 1998-April 2002
Director Motor Carrier Policy, Department of Transport

December 1995-December 1998
Acting Director Motor Carrier Policy, Department of Transport

July 2000-July 2001
Executive Director, Canada Transportation Act Review

August 1992-December 1995
Senior Adviser, Motor Carrier Policy, Department of Transport

October 1988-August 1992
Industry Monitoring & Analysis, National Transportation Agency
Chief, Motor and Rail Section
Head, Motor Carrier Section

January 1979-October 1988
Head, Marine Statistics Unit, Statistics Canada
Airfare Survey Manager, Aviation Statistics Centre
Analyst, Major Airport Forecasts, Department of Transport
Airport Activity Project Manager, Aviation Statistics Centre



AMSA Ref: 015501

Mr Willem Oosterveen
Director
International Oil Pollution Compensation Funds
23rd Floor, Portland House
Bressenden Place
London SW1E 5PN United Kingdom

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Dear Mr Oosterveen

Re: Joint Audit Body: Australian Nomination

I refer to IOPC Fund Circular 92FUND/Circ.59 seeking nominations from 1992 Fund Member States of candidates for election to the Joint Audit Body by Friday 16 May 2008.

I understand that those members of the Joint Audit Body eligible for re-election for a second term of three years also need to be nominated by a 1992 Fund Member State.

As you would be aware Australia nominated Mr Wayne Stuart to the Joint Audit Body election held in October 2005. I am most gratified that Mr Stuart was successfully elected to the Joint Audit Body at that time. Australia believes that Mr Stuart has been one of the most active and constructive members of the Joint Audit Body since his election.

Accordingly, I have great pleasure in again nominating Mr Wayne Stuart for a second three year term to the Joint Audit Body.

Australia invites the 1992 Fund Assembly to consider the re-nomination of Mr Wayne Stuart to the Funds' Joint Audit Body at the meeting of the 1992 Fund Assembly in October 2008. Information on Mr Stuart's attributes, skills and relevant experience is given in Annex 1.

Any further information of assistance with this matter should be directed to John Gillies at jcg@amsa.gov.au or on +61 2 6279 5016.

Yours sincerely

Paul Nelson
Manager, Environment Protection
Maritime Standards Division

8 April 2008

cc Mr Wayne Stuart

IOPC Funds Audit Body
List of Skills and Experience Relevant to the Position

• **Wayne Stuart – Australia**

• **Short List of Attributes**

Mr Stuart is a current member of the Audit Body elected in 2005. Having served one term of he is eligible for re-election.

Mr Stuart served as Australian Delegate to both the 1992 Funds between 1994 and 2001 and number of occasions on the Executive of both organizations. He has a detailed understanding of the workings of the IOPC Funds and made significant contributions particularly to the functional administration of the Funds and on a number of working groups while serving as the official Australian delegate. He was involved as a respondent in the Management Review Consultancy undertaken in the late 1990s.



having been three years

1971 and served on a Committees

He brings more than 10 years of high-level national and international experience in pollution prevention and response as well as in the development, implementation and management of liability and compensation regimes.

He has a good understanding of Fund management and administrative issues.

Mr Stuart brings independence to the position not being a current employee of the Australian government or any industry body.

- Mr Stuart provides a southern hemisphere perspective in the body and would provide the Assembly with an option to address the “desirability of an equitable geographical distribution of the seats of the Audit Body” requirement.
- As a former IOPC Fund representative who has had operational management experience of oil spill incident response and cost recovery, he offers an “operational” perspective and practical view to the Audit Body in its work.
- As a relatively long term and well known representative at IOPC Fund meetings, he brings considerable knowledge of the Funds’ history, deliberations and operations.
- Mr Stuart has considerable management, accounting and audit background and expertise. In particular, he has had quite intimate involvement in some of the management improvements made by the Funds between 1996 and 2001 – e.g. as Australian delegate, he was actively involved in the development and support on the floor of the Assembly of proposals for the Funds to adopt internet access and electronic distribution of papers and was an active proponent of transparency in the selection of technical advisers to the 1992 Fund.

Short List of Relevant Experience

- Mr Stuart was Manager, Environment Protection Standards in the Australian Maritime Safety Authority from 1991 to 2001. This position was responsible for the international aspects of pollution legislation and representation at the IMO Legal Committee and the IOPC Funds. He was also responsible for the management and review of the Australian National Oil Pollution Response arrangements including management of the administrative aspects of spill response and cost recovery during those years.
- Mr Stuart holds formal accountancy qualifications and is a qualified International Organization for Standardization (ISO) Quality Lead Assessor (Auditor).
- Mr Stuart managed the implementation and accreditation to ISO 9001.2000 Quality Standard in 2001 for the Australian Maritime Safety Authority.
- Mr Stuart led the Australian involvement in the development of the Bunkers Convention from inception to conclusion at the Diplomatic Conference in 2001.
- Mr Stuart has served on the Joint Audit Body of the IOPC Funds since 2005.

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8 May 2008

Dear Mr. Oosterveen,

JOINT AUDIT BODY - UNITED KINGDOM NOMINATION

Document 92Fund/Circ.59 invites Member States of the 1992 Fund to nominate candidates for election to the Audit Body by 16 May 2008.

Accordingly, the Government of the United Kingdom of Great Britain and Northern Ireland has the pleasure to nominate Mr. John Wren to stand for election to the Audit Body and, if elected, to serve on that body for a minimum term of 3 years.

The United Kingdom Government invites the 1992 Fund Assembly to consider the nomination of Mr. Wren who for twelve years served the IOPC Funds with great distinction. His significant contribution to the Funds over many years is a matter of record. His vast experience of dealing with international maritime affairs at all levels of Government and his encyclopaedic knowledge of the Funds and its methods of working are well known to many delegations.

Details of Mr. Wren's relevant experience are contained in the short curriculum vitae annexed to this nomination letter.

Yours sincerely,

David Bolomini

David Bolomini
United Kingdom
Head of Delegation

CV

John Richard WREN

SUMMARY:

John Wren spent his whole career working in the Civil Service until retirement in November 2005. He gained wide experience as an administrator in several government departments. In particular, he has extensive experience on maritime affairs, which he gained while he headed the Department for Transport's policy unit with oversight of all policy matters relating to maritime liabilities, compensation and international maritime law between 1993 and 2005.

He led the UK delegation at the IMO Legal Committee and at the International Oil Pollution Compensation Fund for 12 years. Until 2002 he was also a member of the UK delegation at the IMO Marine Environment Protection Committee.

He headed the UK delegation during the development and negotiation of a number of international instruments and led the UK delegation at six IMO diplomatic conferences. He was also a member of the UK delegations at two other IMO diplomatic conferences.

He was also a member of the UK delegations in several other international fora.

He has chaired a number of international meetings, including the 2nd IOPC Fund inter-sessional Working Group. He had significant input into a wide range of UK legislation to implement a number of national maritime policies and international instruments.

As an acknowledged expert he has made many presentations at international conferences, seminars and workshops dealing with maritime related matters.

Following his retirement from the Civil Service he set up his own maritime consultancy.

SUMMARY OF RELEVANT EXPERIENCE OF THE IOPC FUNDS:

1. Head of the UK delegation at the International Oil Pollution Compensation Fund (IOPCF) from 1993 -2005, during which time he had spells as Vice Chairman of the 1992 Executive Committee and of the 1971 Administrative Council.
2. Chairman of the IOPCF's 2nd Inter-sessional Working Group (1999 – 2000) which developed the guidance on the definition of 'ship' under the CLC and IOPC Fund conventions and the applicability to FPSO's and FSU's.
3. Co-ordinated on a number of initiatives at the IOPCF, especially the work to increase the limits of CLC and the IOPCF by 50% (which was implemented in 2003) and on several papers during the 3rd Inter-sessional Working group to review the regime, including the initial proposals for the development of the third tier of compensation (Supplementary Fund) and the revision of the fund's policy on environmental restoration.
4. Head of UK delegation to the IMO Legal Committee, 1993 to 2005. Was an active participant on behalf of the UK in the Legal Committee groups which developed texts for various draft international instruments, particularly the HNS, Bunkers and Athens conventions and the draft Wreck Removal Convention.

5. He was Co-ordinator of the Legal Committee Correspondence Group working on implementation of the HNS Convention from 1999 – 2005. He chaired the Working Group that met in Ottawa in 2003 and which finalised a number of key issues relating to implementation of the HNS Convention; this Working Group's recommendations were later fully endorsed by the IMO Legal Committee.

6. As Head of the Department for Transport's branch with policy responsibility for maritime liabilities, compensation and international maritime law, he gained considerable experience of applying the related international conventions following a wide range of shipping incidents around the UK coastline, including the *Braer* (1993) and the *Sea Empress* (1996) incidents and their aftermaths.

7. He headed the UK delegations at the IMO Diplomatic Conferences to adopt the following:

- The Hazardous & Noxious Substances Liability Convention (HNS), 1996;
- The 1996 Protocol to the 1976 Convention on Limitation of Liability for Maritime Claims;
- The Arrest Convention, 1999;
- The 'Bunkers' Convention, 2001;
- The Athens Convention, 2002;
- The 2003 Supplementary Fund Protocol to the 1992 International Oil Pollution Compensation Fund (IOPCF) Convention.

ADDITIONAL EXPERIENCE:

His work during his Civil Service career also included:

- Various posts involving delivering a range of transport and environmental policies and which required acute political awareness;
- government financial management;
- personnel management, both as a Career Development Officer and as a Training Officer.

* * *

ANNEX III

NIGEL MACDONALD

Nigel Macdonald is a former president of the Institute of Chartered Accountants of Scotland and until he retired in 2003 was a senior partner in Ernst & Young. He is a Director of Coca Cola Hellenic and is a Trustee of the National Maritime Museum which incorporates the Royal Observatory at Greenwich, chairing its Audit and Remuneration committees as well as serving on its Finance committee. He is also Chairman of a retail company and private investment and management companies and a trustee of two educational trusts.

From 1992 to 2004 he served as a Director of the British Standards Institution and from 1994 to 2001 was a member of the Industrial Development Advisory Board of the UK Government. He was a member of the United Kingdom's Competition Commission 1998 - 2005 and served as a member of the Review Panel of the Financial Reporting Council from 1991 to 2006.

He was directly involved in the development of best practice in corporate governance, serving as a member of the Cadbury Committee on Corporate Governance and subsequently contributing to the OECD study and was joint author of a study on the subject for the European Commission.

* * *

ANNEX IV

**LETTER OF NOMINATION
AND CURRICULUM VITAE
OF THE ONE NOMINEE RECEIVED IN RESPONSE
TO THE DIRECTOR'S CIRCULAR OF
8 JULY 2008**



EMBASSY OF SWEDEN

London

The Embassy of Sweden presents its compliments to the Secretariat and has the honour to inform that the Swedish Government has decided to present the candidature of Mr Thomas Johansson, to the remaining position as member of the joint Audit Body of the International Oil Pollution Compensation Funds (IOPC Funds).

Mr Johansson, who presently works as Vice President of the Swedish National Board of Consumer Complaints, is recognised for his international work and vast experience in the field of transport law. Mr Johansson is well-known for his integrity, commitment and leadership.

Sweden has been active in the work of the IOPC Funds for a long time. The Swedish Government believes that the joint Audit Body has a vital role in the continued development of the IOPC Funds and that Mr Johansson could play an important role in this endeavour.

The Embassy of Sweden avails itself of this opportunity to renew to the Secretariat the assurance of its highest consideration.

London, 27 August 2008

CURRICULUM VITAE – THOMAS JOHANSSON

Mr. Thomas Johansson was born in 1967 in the town of Norrköping, Sweden. He is a Swedish citizen.

He holds a position as Vice President of the National Board for Consumer Complaints (NBCC) since November 2005. NBCC is a government agency with the task to provide settlement of disputes between consumers and businesses as an alternative to dispute settlements in courts. As Vice President he assists the President with the management of the NBCC and acts as the President's deputy. He is also involved in the dispute settlement process as adjudicator/evaluator of the cases laid before the NBCC and presides during sessions of the NBCC. He is also responsible for the NBCC's administrative department which comprises functions as information, finance and HR.

He received his Master of Laws from Uppsala University, Sweden, in 1993. He has served on various positions within the Swedish judiciary: 1993–1995 as Legal Secretary at the District Court of Linköping, 1995–1996 as Legal Secretary in the Svea Court of Appeal, 1996–1998 as Assistant Judge, and during 1998 as Associate Judge of Appeal.

Prior to taking up his position with the NBCC he held different positions in the Swedish Ministry of Justice, Division for Intellectual Property and Transport Law, between 1998 and 2005. His main responsibilities were in the field of transport law and trademark law. Between 2001 and 2005 he was Principal Legal Adviser/Deputy Director, a position that included supervising the work of other staff within those areas. As of 1 July 2004 he deputised the head of the said division.

Thomas Johansson has represented Sweden in the IMO Legal Committee. He took up work relating to the IOPC Funds during 1999 and participated in meetings of the Funds' governing bodies as Swedish representative from 2000 to 2003. At the 2003 diplomatic conference leading to the adoption of the Supplementary Fund Protocol he was chairman of the drafting committee.

He has also represented Sweden in working groups within the Council of the European Union and within the OECD Nuclear Energy Agency.

Thomas Johansson has been assigned by the Ministry of Justice to produce a report with an analysis of whether Sweden should ratify the International Convention for the Suppression of Acts of Nuclear Terrorism, of 2005, and the 2005 Protocols to the International Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA). The assignment also includes the drafting of the appropriate statutory amendments for the ratification and implementation of these instruments and to translate the instruments.

Thomas Johansson is married with Susanne Kjaersgaard Olsson since 12 May 2007.