



INTERNATIONAL  
OIL POLLUTION  
COMPENSATION  
FUND 1971

ASSEMBLY  
19th session  
Agenda item 12

71FUND/A.19/10  
30 August 1996

Original: ENGLISH

## SECRETARIAT RESOURCES

### Note by the Director

#### **1 Introduction**

1.1 Under Article 28.1 of the 1971 Fund Convention, the Secretariat of the 1971 Fund shall comprise the Director and such staff as the administration of the Fund may require.

1.2 In 1978, at its 1st session, the Assembly decided that the 1971 Fund Secretariat should be as small as feasible, taking into account the possibility of engaging outside consultants for specific tasks (document OPCF/A.1/D, page 3).

1.3 At the Assembly's 2nd extraordinary session held in June 1996, the Chairman drew attention to the increased workload resulting from a number of major incidents and the entry into force of the 1992 Protocols, as well as from the studies which the Assembly had invited the Director to carry out. The Chairman raised the question of whether there was a need to strengthen and restructure the resources of the Secretariat (document 71FUND/A/ES.2/22, paragraph 21.3.1).

1.4 The Director stated that the present workload put a very heavy burden on the Secretariat and that it was likely that the workload would continue to increase. For this reason, he agreed with the Chairman that there was a need to strengthen the resources of the Secretariat. The Director mentioned that he intended to examine the Secretariat requirements for the coming years, and to submit a proposal for consideration by the Assembly at its 19th session. It was noted that any increase in the number of staff members would necessitate further office space being made available (document 71FUND/A/ES.2/22, paragraph 21.3.2).

1.5 The present document sets out the Director's examination of the issues involved.

## 2 Consideration by the Assembly at its 18th session

2.1 During the examination of the budget at the Assembly's 18th session, a number of delegations emphasised the necessity of strengthening the resources of the Secretariat. The Assembly noted that the Director intended to employ an additional staff member in the professional category from December 1995, already authorised by the Assembly at its 17th session, and that he had included in the draft budget an appropriation for an additional secretary. It was also noted that the Director had proposed to recruit a successor to the Finance Officer to work for some time with the present incumbent before the latter retired. The Assembly endorsed these proposals (document FUND/A.18/26, paragraph 17.2).

2.2 The additional secretary was employed from 2 January 1996 and the staff member in the professional category, an additional Claims Officer, commenced employment with the 1971 Fund on 1 February 1996.

2.3 The successor to the Finance Officer will take up office on 18 November 1996. As stated above, he will work with the present incumbent until the latter retires during 1997.

## 3 Present structure of the Secretariat

3.1 The present structure of the Secretariat is as follows:

<u>Position</u>	<u>Grade</u>
Director	USG
Legal Officer	D1
Finance/Personnel Officer ( <i>present incumbent</i> )	P5
Finance Officer ( <i>commencing 18 November, to succeed present incumbent</i> )	P4
Claims Officer	P4
Claims Officer	P4
Administrative Officer	P2
Director's Secretary	G8
Principal Clerk-Secretary ( <i>Secretary to Finance Officer</i> )	G8
Principal Clerk-Secretary ( <i>mainly for translation work</i> )	G7
Senior Clerk-Messenger	G5
Senior Clerk-Secretary ( <i>Secretary to Legal Officer</i> )	G5
Senior Clerk-Secretary/Telephonist	G5
Clerk-Secretary ( <i>Secretary to Claims Officer</i> )	G4
Clerk-Secretary ( <i>Secretary to Claims Officer</i> )	G4

3.2 In view of the heavy work load resulting from the court proceedings in the *Braer* case, the Director has employed since 1 January 1996, as a supernumerary, a claims clerk (Grade G4) to handle the extensive documentation and in general to assist in respect of that incident.

## 4 Director's considerations and proposals

4.1 The workload of the Secretariat has increased considerably in recent years. This increase is due to several factors. The 1971 Fund has become involved in several major incidents, resulting in a very large number of claims. Claims in recent cases have often been more complex than those arising out of previous incidents. The establishment of local claims offices in several cases and the use of a large number of experts has also resulted in increased responsibilities on the Secretariat, which has to monitor and supervise the duties performed outside the Fund's office. The 1971 Fund has also become involved in complex court proceedings in some cases. In addition, there has been an increase in the number of Member States of the 1971 Fund.

4.2 It is likely that the workload will continue to increase. Although the work required for the preparations for the entry into force of the 1992 Protocols to the 1969 Civil Liability Convention and the 1971 Fund Convention is largely completed, the fact that the 1971 Fund Secretariat will, at least for some time, also administer the 1992 Fund, will result in additional administrative work. It should also be noted that the 1992 Fund Assembly, at its 1st session, instructed the Director to undertake certain administrative tasks necessary for the setting up of the International Hazardous and Noxious Substances Fund (HNS Fund) which will be established under the International Convention on liability and compensation for damage in connection with the carriage of hazardous and noxious substances by sea (HNS Convention), adopted on 3 May 1996 (document 92FUND/A.1/34, paragraph 33.1.3).

4.3 Once the transitional period has expired and the compulsory denunciations of the 1969 Civil Liability Convention and of the 1971 Fund Convention take effect for the Member States of the 1992 Fund, it is possible that there will be some reduction in workload. Due to the fact that the shipowner's limitation amount under the 1992 Civil Liability Convention is much higher than under the 1969 Civil Liability Convention, minor cases occurring in States Parties to the 1992 Fund Convention in which the 1971 Fund would have become involved under the 1971 Fund Convention will be fully covered by the shipowner. It is not possible to assess, however, by how much this will reduce the Secretariat's workload. On the other hand, in view of the amended definition of "ship" in the 1992 Fund Convention, it is likely that the 1992 Fund will become involved in spills from unladen tankers, whereas such spills fall outside the scope of application of the 1971 Fund Convention. As a consequence of the new definition of "incident" in the 1992 Fund Convention, the 1992 Fund will become involved in cases involving pure threat removal measures.

4.4 If the 1971 Fund Convention were to cease to be in force, the winding up of the 1971 Fund under Article 44 of that Convention would give rise to complicated issues which would require significant work by the Secretariat.

4.5 In view of the considerations set out above, the Director makes the following proposals for the structure of the 1971 Fund Secretariat. In making these proposals, the Director has assumed that the 1971 Fund Secretariat will be converted into a 1992 Fund Secretariat at some time in the near future and will then administer both the 1992 Fund and the 1971 Fund until the 1971 Fund has been wound up under Article 44 of the 1971 Fund Convention.

4.6 The financial aspects of the administration of the 1971 Fund and the 1992 Fund will require more resources. The two Organisations will have separate accounts and will make investments separately. The budgeting will also become more complex. Contributions will have to be levied for the two Organisations. The introduction of a system of deferred invoicing for the 1971 Fund and the 1992 Fund will result in a further increased workload, as will the capping of contributions to the 1992 Fund (documents 71FUND/A/ES.2/22, paragraph 11.3, and 92FUND/A.1/34, paragraphs 16.2 and 17).

4.7 It is proposed, therefore, that the present post of Secretary to the Finance Officer (Grade G8) should be converted to Assistant Finance Officer at grade P1, and that the present holder of the post should be promoted to this converted post. It is also proposed that a new post of Senior/Principal Clerk-Secretary should be created at grade G5/G6, to assist the Finance Officer and his Assistant.

4.8 In 1995, it was agreed with the International Maritime Organization (IMO) that the 1971 Fund should finance the cost of one extra translator to be employed by IMO, in order to solve the problems which had arisen in respect of the translation of Fund documents into French (document FUND/EXC.34/9, paragraph 5.2.2). In view of the increased volume of documents for the 1971 and 1992 Funds, and the heavy workload on the IMO translation section, it has only been possible for IMO to translate some of the documents produced by the Funds. For this reason, one of the Principal Clerk-Secretaries (grade G7) has devoted the major part of her time, during the last year, to translation work. In fact, she has translated a significant number of the 1971 and 1992 Funds' documents from English into French. It is proposed, therefore, that the post in question be reclassified as Principal Administrative Assistant and be upgraded to grade G8.

4.9 The temporary employment of a Claims Clerk has proved very useful, since it has given the Claims Officers assistance in the handling of large incidents. It is proposed, therefore, that a permanent post of Claims Clerk be created at grade G5.

4.10 As stated above, it is difficult to assess the future workload of the Organisations. The Director proposes that the Assembly creates an additional professional post at level P3/P4, which the Director would be authorised to fill, if he considered that the workload warranted it.

4.11 The Director also proposes the creation of a new post of Clerk-Secretary at grade G4, which he would be authorised to fill if required by the workload on the Secretariat.

4.12 If the Director's proposals were adopted by the Assembly, the structure of the Secretariat would be as follows:

<u>Position</u>	<u>Grade</u>
Director	USG
Legal Officer	D1
Finance/Personnel Officer ( <i>present incumbent</i> )	P5
Finance Officer ( <i>to succeed present incumbent on his retirement</i> )	P4
Claims Officer	P4
Claims Officer	P4
Professional Officer ( <i>to be recruited if required</i> )	P3/P4
Administrative Officer	P2
Assistant Finance Officer	P1
Director's Secretary	G8
Principal Administrative Assistant	G8
Senior/Principal Clerk-Secretary	G5/G6
Senior Clerk-Messenger	G5
Senior Clerk-Secretary	G5
Senior Clerk-Secretary/Telephonist	G5
Senior Claims Clerk	G5
Clerk-Secretary	G4
Clerk-Secretary	G4
Clerk-Secretary ( <i>to be recruited if required</i> )	G4

4.13 If the Director's proposals were adopted, their implementation would require further office space being made available. There would be a need for four additional office rooms. The increased volume of documentation has also started to cause problems, and further space would be needed for the handling of documents.

## **5 Action to be taken by the Assembly**

The Assembly is invited to:

- (a) take note of the information contained in this document; and
- (b) take such decisions in respect of the resources of the 1971 Fund Secretariat and its structure as it may deem appropriate, in particular in respect of the Director's proposals for strengthening the Secretariat resources as set out in paragraphs 4.7-4.12 above.