



INTERNATIONAL  
OIL POLLUTION  
COMPENSATION  
FUND 1971

ASSEMBLY  
21st session  
Agenda item 17

71FUND/A.21/15  
30 July 1998

Original: ENGLISH

## WINDING UP OF THE 1971 FUND'S APPEALS BOARD

Note by the Director

**Summary:** Consideration is given to the situation in respect of the 1971 Fund's Appeals Board after the transfer of the Secretariat functions to the 1992 Fund.

**Action to be taken:** Decision on whether to wind up the 1971 Fund's Appeals Board.

1 The Assembly, at its 2nd session, established an Appeals Board with the authority to settle disputes between staff members, former staff members and the rightful claimants to their estate and the Director concerning individual decisions applying to staff members or former staff members, who base their case on non-observance of the Staff Regulations, the Staff Rules or the conditions of employment, including in the contract or letter of appointment.

2 At its 20th session, the Assembly appointed the following members and substitute members of the Appeals Board to hold office until the 22nd session of the Assembly:

### Members

Mr A Benguerrah (Algeria)  
Mr T G Ariyaratne (Sri Lanka)  
Sir Franklin Berman (United Kingdom)

### Substitute Members

Mr P Escherich (Germany)  
Mr E Conte (Italy)  
Mr K Takiguchi (Japan)

3 Since 16 May 1998 the 1971 Fund has been administered by the 1992 Fund Secretariat, and from that date all staff members of the 1971 Fund Secretariat ceased to be employed by the 1971 Fund and became employed by the 1992 Fund (cf document 71FUND/A/ES.4/16, paragraph 3.3). From that date there ceased to be any 1971 Fund staff members.

4 A staff member may request that the Director should withdraw or amend an individual decision applicable to him or her. Such a request shall be made in writing within 30 days of notification of the decision in question (or within 90 days in the case of a request by rightful claimants to an estate). If the Director declines a request or takes no decision thereon within 30 days of the application, the applicant may lodge an appeal with the Appeals Board.

5 Since 16 May 1998 the Director has not received any requests from a 1971 Fund staff member to withdraw or amend such a decision. It appears that the period for making such a request has now expired. Since a request to the Director to withdraw or amend a decision is a prerequisite for a claimant's right to bring the matter before the Appeals Board, it appears that no further cases can be brought before the 1971 Fund Appeals Board.

6 In the light of this situation, the Director takes the view that the 1971 Fund's Appeals Board should be wound up.

**Action to be taken by the Assembly**

7 The Assembly is invited:

- (a) to consider the information contained in this document; and
  - (b) to decide whether to wind up the 1971 Fund's Appeals Board.
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