

ASSEMBLY  
1st session  
Agenda item 9

## APPOINTMENT OF DIRECTOR

### **Note by the Director of the International Oil Pollution Compensation Fund**

1 Under Article 18.4 of the 1992 Fund Convention, one of the functions of the Assembly is to appoint a Director. This article reads as follows:

The functions of the Assembly shall be:

.....

4 to appoint the Director and make provisions for the appointment of such other personnel as may be necessary and determine the terms and conditions of service of the Director and other personnel;

.....

This provision has to be read in conjunction with Article 36 quater (a) of the 1992 Fund Convention which provides that the Director of the 1971 Fund may perform the function of Director of the 1992 Fund while the 1971 and 1992 Fund Conventions are both in force.

2 For the purpose of the preparations by the Director of the 1971 Fund for the entry into force of the 1992 Fund Convention, it has been assumed that the 1992 Fund and the 1971 Fund will have a joint Secretariat headed by one Director, at least so long as the States with major receipts of contributing oil remain Parties to the 1971 Fund Convention. The question arises whether the 1992 Fund Assembly needs to appoint the individual who is now the Director of the 1971 Fund to act also as Director of the 1992 Fund, or whether it would suffice to appoint "the Director of the 1971 Fund", whoever he might be, to act as also Director of the 1992 Fund.

3 During its consideration in October 1995 of the preparations for the entry into force of the 1992 Fund Convention, the Assembly of the 1971 Fund took the view that the Director of the 1992 Fund should be the same person as the Director of the 1971 Fund. Different views were expressed, however, as regards the procedure for making this appointment.

4 It is submitted that it might be more appropriate for the 1992 Fund Assembly to appoint a named person as the Director of the 1992 Fund. The position taken by the 1992 Fund Assembly on this point would need to be reflected in the Rules of Procedure of the 1992 Fund Assembly (cf document 92FUND/A.1/5, draft Rule 55).

5 If the Assembly were to decide to appoint as Director of the 1992 Fund the person who is at present holding the office of Director of the 1971 Fund, the Assembly might consider it appropriate to determine the mandate of his term of office as Director of the 1992 Fund to coincide with his mandate as Director of the 1971 Fund, viz until 31 December 1999.

**Action to be taken by the Assembly**

6 The Assembly is invited to appoint the Director of the 1992 Fund.

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