

ASSEMBLY - 1st session
Agenda item 8

ADOPTION OF STAFF REGULATIONS

Note by the Secretary-General of IMCO

1. On the basis of the Resolution adopted by the 1971 Conference on the Establishment of an International Compensation Fund for Oil Pollution Damage the Council of IMCO asked the Secretary-General to prepare and submit to the first Assembly of the Fund, inter alia, draft Staff Regulations and instructed the Organization's Legal Committee to 'monitor' the work of the Secretary-General.
2. In accordance with these decisions, the Secretary-General submitted a first draft of Staff Regulations for the Fund to the Legal Committee of IMCO at its twenty-first session, held from 28 January to 1 February 1974. In the light of the observations and comments made at that session, the Secretary-General prepared a revised draft which was considered in greater detail by the Committee at its twenty-fourth session, held from 11 to 15 November 1974. On the basis of these discussions the Secretary-General has prepared the attached draft Staff Regulations.
3. The Assembly is invited to consider for adoption the attached draft Staff Regulations.

DRAFT
STAFF REGULATIONS
FOR THE
INTERNATIONAL OIL POLLUTION COMPENSATION FUND
(hereinafter referred to as "the Fund")

SCOPE AND PURPOSE

The Staff Regulations embody the fundamental conditions of service and the basic rights, duties and obligations of the Director and other staff members of the Secretariat of the Fund. They represent the broad principles of personnel policy for the staffing and administration of the Secretariat.

I. Duties and Obligations

Regulation 1

The Director and all other staff members of the Secretariat of the Fund are international civil servants. Their responsibilities are not national but exclusively international. By accepting appointment, they pledge themselves to discharge their functions and to regulate their conduct with the interests of the Fund only in view. In the performance of their duties they shall neither seek nor accept instructions from any Government or from any authority external to the Fund. All staff members of the Secretariat are subject to the authority of the Director and are responsible to him in the exercise of their functions.

Regulation 2

Every staff member of the Secretariat, on taking up his duties, shall make and sign the following oath or declaration:

"I solemnly swear (undertake, affirm, promise) to exercise in all loyalty, discretion and conscience the functions entrusted to me as an international civil servant of the International Fund for Compensation for Oil Pollution Damage, to discharge these functions and regulate my conduct with the interests of the Fund only in view, and not to seek or accept instructions in regard to the performance of my duties from any Government or from any authority external to the Fund."

Regulation 3

Any privileges and immunities accorded to the Fund are conferred in the interests of the Fund. No such privileges and immunities shall excuse staff members of the Secretariat from the performance of their private obligations or from the observance of laws and regulations otherwise applicable to them. Any incident giving rise to controversy on the applicability of any privilege or immunity shall immediately be reported by the staff member of the Secretariat concerned to the Director with whom alone it rests to decide whether such privilege or immunity shall be waived. In the case of the Director, the Assembly or the Executive Committee shall decide whether the privileges and immunities shall be waived.

Regulation 4

Staff members of the Secretariat shall exercise the utmost discretion in regard to all matters of official business. They shall not communicate to any person any information known to them by reason of their official position which has not been made public, except in the course of their duties or by authorization of the Director. Nor shall they at any time use such information to private advantage. These obligations do not cease upon separation from the Secretariat of the Fund.

Regulation 5

Staff members of the Secretariat are not expected to give up their national sentiments or their political or religious convictions, and they may exercise their right to vote. However, they shall avoid any action, and in particular any kind of public pronouncement or political activity, which may adversely reflect on their position as international civil servants, at all times bearing in mind the reserve and tact incumbent upon them by reason of their international status.

Regulation 6

The whole time of staff members of the Secretariat shall be at the disposal of the Director and they shall not accept or hold any office or engage in any occupation or activity incompatible with the proper discharge of their duties. In particular, they shall not participate in any manner or have any financial interest in an enterprise whose aims or activities are closely related to those of the Fund.

Regulation 7

No staff member of the Secretariat shall accept any honour, decoration, favour, gift or remuneration from any government or other source without the Director's prior agreement. Agreement shall be granted only in exceptional cases and provided acceptance is not incompatible with the individual's status as an international civil servant.

II. Appointment, Renewal and PromotionRegulation 8

Within the budgetary and other limits established by the Assembly [and the Executive Committee] the Director shall appoint the staff members of the Secretariat and such other additional personnel for short-term duties and assignments as may be found necessary. Each staff member of the Secretariat shall receive a letter of appointment in accordance with the provisions of the Annex to these Regulations, signed by the Director or his duly authorized representative.

Regulation 9

The paramount consideration in the appointment of staff members of the Secretariat of the Fund shall be to secure the highest standards of efficiency, competence and integrity. Subject to this requirement, all persons shall be equally eligible for all posts in the Secretariat without distinction as to sex, race, creed or religion.

Regulation 10

Selection shall normally be made on a competitive basis. Subject to this, recruitment shall be on as wide a geographical basis as possible and with a view to ensuring equitable representation in the Secretariat of nationals of the States Parties to the Fund Convention.

Regulation 11

Staff members of the Secretariat shall normally be appointed on a fixed-term basis for service of a prescribed duration. Appointments may be renewed but shall not carry any legal entitlements, express or implied,

to such renewal. The maximum period of a fixed-term appointment shall be five years. [In exceptional cases, staff members of the Secretariat shall be appointed on a permanent basis.]

Regulation 12

The Director shall establish appropriate medical standards which persons shall be required to meet before appointment.

III. Classification of Posts

Regulation 13

Subject to the budgetary provisions made by the Assembly of the Fund, the Director shall determine appropriate categories and grades for established posts, on the basis of the classification standards [generally applied by the organizations in the United Nations common system] [approved by the Assembly or the Executive Committee.]

IV. Salaries and Related Allowances

Regulation 14

The salaries, allowances and grants and the conditions of entitlement thereto, for all staff members of the Secretariat shall [be as prescribed in these Regulations and in the staff Rules] [except as may be otherwise provided in the Staff Regulations, conform whenever appropriate with those applied in the United Nations common system].

Regulation 15

The terms and conditions of service of the Director shall be determined by the Assembly or the Executive Committee with reference to the provisions of Regulation 14 and shall be specified in a contract between the Director and the Fund represented by the Chairman of the Assembly or of the Executive Committee.

V. LeaveRegulation 16

Staff members of the Secretariat shall be allowed annual leave, sick leave, maternity leave and home leave, and may be allowed special leave with or without pay under the conditions specified in the Staff Rules.

VI. SeparationRegulation 17

The normal age of retirement for staff members of the Secretariat shall be [60] years. This age limit may be extended in the interest of the Fund in exceptional cases.

Regulation 18

An appointment may be terminated by the Director before the expiry date if it becomes necessary to abolish the post or reduce the staff, if the services and conduct of the individual concerned prove unsatisfactory, or if the staff member of the Secretariat concerned is, for reasons of health, incapacitated for further service.

Regulation 19

Where an appointment is to be terminated under Regulation 18, at least three months' notice shall be given or three months salary and allowances shall be paid in lieu of such notice, provided that the period of notice or payment in lieu thereof shall not exceed the unexpired portion of the appointment. [In the case of a fixed-term appointment, in addition an indemnity equal to one week's salary for each month between the end of the notice period and the normal expiry date of the appointment shall be payable.] The termination indemnities to be paid to staff members of the Secretariat [holding permanent appointments] shall be in accordance with the terms and conditions specified in Annex ... to these Regulations. These provisions of notice and indemnity shall not apply in the case of summary dismissal under Regulation 26.

Regulation 20

Where it is not intended to offer reappointment to a staff member of the Secretariat serving under a fixed-term contract, that staff member of the Secretariat shall be entitled to be informed of the intention not to offer reappointment at least [six] months before the date of expiry of the contract.

Regulation 21

Unless otherwise specified in the letter of appointment, thirty days' written notice of resignation shall be given by staff members of the Secretariat. The Director may, however, accept resignations on shorter notice.

VII. Travel and Removal Expenses

Regulation 22

The Fund shall pay the travel and related expenses, including removal costs, of staff members of the Secretariat and their dependants on the terms and conditions specified in the Staff Rules.

VIII. Social Security

Regulation 23

The Director shall establish and operate a provident fund to which both the Fund and staff members of the Secretariat shall contribute, on such terms and conditions as may be approved by [the Executive Committee] [the Assembly] of the Fund.

Regulation 24

Staff members of the Secretariat shall be entitled to appropriate compensation in the event of death, injury or illness attributable to the performance of official duties on behalf of the Fund, on terms and conditions specified in Annex ... to these Regulations. Health and accident insurance schemes shall be made available to staff members of the Secretariat in accordance with the relevant provisions of the Staff Rules.

IX. Staff Relations

Regulation 25

Staff members of the Secretariat shall be entitled to make proposals to the Director regarding personnel policies and general questions of staff welfare and to establish suitable machinery for this purpose.

X. Disciplinary Measures

Regulation 26

The Director may take disciplinary measures, including dismissal for serious misconduct, against a staff member of the Secretariat for unsatisfactory conduct. The Director shall establish administrative machinery with staff participation to advise him in disciplinary cases.

XI. Recourse

Regulation 27

Any alleged violation of the terms of appointment of a staff member of the Secretariat, including all pertinent regulations and rules, and any disciplinary measure imposed by the Director on a staff member of the Secretariat, shall be subject to review, at the request of the staff member of the Secretariat concerned, by an administrative body with staff participation, which shall be established with the functions and powers specified in Annex ... to the Staff Regulations.

Regulation 28

Staff members of the Secretariat shall be entitled to appeal against decisions following the review referred to in Regulation 27, and appropriate machinery shall be established for this purpose.^{1/}

^{1/} Instead of this Regulation, the appropriate bodies of the Fund may wish to consider the desirability of providing for appeals from staff members to one of the existing administrative tribunals in the United Nations system, i.e. the United Nations Administrative Tribunal or the ILO Administrative Tribunal.

XII. General Provisions

Regulation 29

These Regulations may be supplemented or amended by the Assembly or the Executive Committee, without prejudice to the acquired rights of staff members of the Secretariat.

Regulation 30

The Director shall issue Staff Rules and administrative instructions necessary to implement these Regulations. He shall report to the Assembly or the Executive Committee on all such Rules and any amendments adopted thereto.

Regulation 31

These Regulations shall be deemed to be provisional until

ANNEX ...Letters of Appointment

- (a) The letter of appointment shall state:
- (i) That the appointment is subject to the provisions of the Staff Regulations and Rules and to changes which may be duly made in such Regulations and Rules from time to time;
 - (ii) the nature of the appointment;
 - (iii) the date at which the staff member is required to enter upon his duties;
 - (iv) the period of appointment, the notice required to terminate it and the period of probation, if any;
 - (v) the category, level, commencing rate of salary and, if increments are allowable, the scale of increments, and the maximum attainable;
 - (vi) any special conditions which may be applicable.
- (b) A copy of the Staff Regulations and Rules shall be transmitted to the staff member with the letter of appointment. In accepting appointment the staff member shall state that he has been made acquainted with and accepts the conditions laid down in the Staff Regulations and Rules.
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