



International Oil Pollution
Compensation Funds

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1992 Fund Assembly	●
Supplementary Fund Assembly	●

Nominations of candidates for election to the joint Audit Body

Introduction

The 1992 Fund and Supplementary Fund have a joint Audit Body established by the IOPC Funds' governing bodies. In accordance with its composition and mandate, the joint Audit Body shall be composed of seven members as follows:

- Six named individuals nominated by 1992 Fund Member States and elected by the 1992 Fund Assembly ('elected members'); and
- one named individual nominated by the Chair of the 1992 Fund Assembly not related to the organisations, with expertise and experience in financial and audit matters ('external expert').
- A Chair and Vice-Chair who are appointed from the elected members, on the proposal from the Chair of the 1992 Fund Assembly, in consultation with the Chair of the Supplementary Fund Assembly.

The Audit Body normally meets three times a year to review the adequacy and effectiveness of the organisations regarding key issues of management and financial systems, financial reporting, internal controls, operational procedures and risk management, and to review the organisations' Financial Statements and reports. It also considers all relevant reports by the External Auditor, including reports on the organisations' Financial Statements. The Audit Body reports to the governing bodies at their regular sessions.

Elected members of the Audit Body shall hold office for a term of three years, once renewable. The mandate of the current elected members expires at the end of the 25th regular session of the 1992 Fund Assembly, which is expected to take place in November this year. The 1992 Fund Assembly will, therefore, hold an election for members of the Audit Body at that session. For further information on when this session will take place, please see circular IOPC/2020/Circ.5.

The level of honoraria in 2020 for the members of the Audit Body is established at £7 840 for the Chair, £6 534 for the Vice-Chair, and £5 229 for the other members nominated by Member States. The honoraria are indexed annually. The IOPC Funds also cover the travel and related expenses of Audit Body members in connection with official travel to attend its meetings.

The composition and mandate of the Audit Body are set out in **Annex I** to this circular and members of the Audit Body, past and present, and their dates of election are set out in **Annex II**.

Call for nominations

In view of the upcoming election, the call for nominations of candidates by 1992 Fund Member States is now open. The nomination of female candidates is strongly encouraged.

Nominations should be submitted to the Director of the IOPC Funds and must be accompanied by the candidate's curriculum vitae no later than 30 June 2020, 23:59 (GMT). Nominations can be sent via email to conference@iopcfunds.org.

Any curriculum vitae submitted without a government nomination will not be considered. Please also note that submissions should be presented in one of the three official languages of the IOPC Funds: English, French or Spanish.

Candidates should note that curricula vitae submitted will need to be published for the consideration of the 1992 Fund Assembly, and therefore, on submission of their nomination, candidates will be deemed to have given their consent to the IOPC Funds to publish and archive the personal data provided.

In view of this, the Secretariat requests that only the following information is included in candidates' curricula vitae: **name, title, work history and education** (inclusion of photograph optional). Personal details that are not relevant for the consideration by the Assembly, such as contact details, should not be included.

Requirements

Candidate requirements

At their October 2013 sessions, the governing bodies noted that the Audit Body had provided details of the specific skills, experience and attributes that, in its view, should typically be included in an Audit Body, which are set out in **Annex III**.

It should be noted that the members of the Audit Body shall perform their functions independently and in the interest of the IOPC Funds as a whole and shall not receive any instructions from their governments. It should also be noted that the working language of the Audit Body is English, and no interpretation facilities or translation of documents are provided.

Nomination requirements

In line with Resolution N°12 of the 1992 Fund Assembly, States that are found to be in breach of their obligations under Articles 13.2, 15.1 or 15.2 of the 1992 Fund Convention, shall not be eligible to nominate candidates for membership of the Audit Body. Resolution N°12 is set out in **Annex IV**.

Current composition of the members of the joint Audit Body

At their April 2019 sessions, the governing bodies noted the sad passing of Mr Jerry Rysanek (Canada), the Chair of the joint Audit Body, and the 1992 Fund Administrative Council decided to allow the joint Audit Body to operate with five elected members and the external expert for the remainder of the three-year term. In addition, the Administrative Council decided to create the post of Vice-Chair to serve as Chair in the Chair's absence.

Three members out of the five current members of the Audit Body are not eligible for re-election, having already served two terms. The other two members of the Audit Body are eligible for re-election for a second term of three years and would need to be re-nominated by at least one 1992 Fund Member State.

The external expert is nominated by the Chair of the 1992 Fund Assembly, and the term of office is three years twice renewable. The Chair of the 1992 Fund Assembly will make a proposal on the position of the external expert at the next regular sessions of the governing bodies.

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ANNEX I

COMPOSITION AND MANDATE OF THE JOINT AUDIT BODY OF THE 1992 FUND AND THE SUPPLEMENTARY FUND

(REVISED IN APRIL 2019)

COMPOSITION

1. The members of the Audit Body shall perform their functions independently and in the interest of the Organisations as a whole and shall not receive any instructions from anyone, including their Governments.
2. The Audit Body shall be composed of seven members elected by the 1992 Fund Assembly: six named individuals nominated by 1992 Fund Member States and one named individual not related to the Organisations ('external expert') with expertise and experience in financial and audit matters, nominated by the Chair of the 1992 Fund Assembly. Nominations, accompanied by the curriculum vitae of the candidate, should be submitted to the Director in response to a call for nominations made by the Director. The Chair of the 1992 Fund Assembly will, in consultation with the Chair of the Supplementary Fund Assembly, propose the names of two of the elected members of the Audit Body for consideration and approval by the governing bodies as Chair and Vice-Chair of the Audit Body.
3. Members of the Audit Body shall hold office for three years, once renewable. Should nominations for election to the Audit Body not be sufficient to fill vacancies at an election, existing members of the Audit Body having served two terms will be eligible for a once-only re-election, provided they are re-nominated by one or more 1992 Fund Member States. The external expert shall hold office for three years, twice renewable.
4. Travel and subsistence expenses of the members of the Audit Body shall be paid by the Organisations. The Assembly of the 1992 Fund will, from time to time, decide on the quantum of the honorarium paid to the six elected members and the fee paid to the external expert. The timing and method of payment will be agreed between the Audit Body and the Director.

MANDATE

5. The Audit Body shall:
 - (a) review the adequacy and effectiveness of the Organisations' management and financial systems, financial reporting, internal controls, operational procedures, risk management and related matters;
 - (b) promote the understanding and effectiveness of the audit function within the Organisations, and provide a forum to discuss matters referred to in (a) above and matters raised by the external audit;
 - (c) discuss with the External Auditor the nature and scope of each forthcoming audit and provide input to the development of the strategic audit plan;
 - (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 make appropriate recommendations to the Funds' governing bodies;

- (f) manage the process for the selection of the External Auditor; and
- (g) undertake any other tasks or activities as requested by the Funds' governing bodies.

6. The Chair of the Audit Body shall report on its work to each regular session of the 1992 Fund Assembly and the Supplementary Fund Assembly.
7. Every three years the functioning of the Audit Body and its mandate shall be reviewed by the 1992 Fund Assembly and the Supplementary Fund Assembly on the basis of an evaluation report from the Chair of the Audit Body.

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ANNEX II

Composition of Audit Body (October 2005 – November 2020)

Nominated by Member States	Member State	Chair/ Vice-Chair (VC)	Elected October 2002	Elected October 2005	Elected October 2008	Elected October 2011 ^{<1>}	Elected October 2014	Elected October 2017
Dr Eugenio Conte	Italy		X					
Mr Charles Coppolani	France	2002–2008	X	X				
Mr Maurice Jaques	Canada		X	X				
Mr Heikki Muttilainen	Finland		X					
Dr Reinhard Renger	Germany		X	X				
Professor Hisashi Tanikawa	Japan		X	X				
Mr Marcel Mendim Me Nko'o	Cameroon			X	X			
Mr Wayne Stuart	Australia	2008–2011		X	X			
Mr Emile Di Sanza	Canada	2011–2014			X	X		
Mr Thomas Kaevergaard ^{<2>}	Sweden				X	X		
Professor Seiichi Ochiai	Japan				X	X		
Mr John Wren ^{<3>}	United Kingdom				X			
Mr John Gillies	Australia					X	X	
Mr Giancarlo Olimbo	Italy					X	X	
Mr Eugène Ngango Ebandjo	Cameroon						X	X
Mr Makoto Harunari	Japan	2019–present					X	X
Mr José Luis Herrera Vaca	Mexico						X	X
Mr Jerry Rysanek ^{<4>}	Canada	2014–2019					X	X
Mrs Birgit Sølling Olsen	Denmark	2019–present (VC)						X
Mr Vatsalya Saxena	India							X
External expert not related to the organisations nominated by the Chair of the 1992 Fund Assembly^{<5>}								
Mr Nigel Macdonald	United Kingdom		X	X	X			
Mr Michael Knight	United Kingdom					X	X	X

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^{<1>} Only five nominations were received, and the 1992 Fund Assembly decided to allow the Audit Body to function with five members for this three-year term (document IOPC/OCT11/11/1, paragraph 6.2.26).

^{<2>} Formerly known as Mr Thomas Johansson.

^{<3>} Mr Wren sadly passed away on 6 October 2010.

^{<4>} Mr Rysanek sadly passed away on 30 January 2019.

^{<5>} The external expert shall hold office for three years, twice renewable.

ANNEX III

Specific skills, experience and attributes that should typically be included in an Audit Body (as identified by the current Audit Body and noted by the IOPC Funds' governing bodies at their October 2013 sessions)

Skills, experience and attributes that should be present within the IOPC Funds' Audit Body

The following broad range of skills, experience and attributes that should typically be present within the Funds' Audit Body includes:

- the ability to bring constructive challenges;
- an understanding of the particular international environment and the core activities of the Funds including its strengths, weaknesses, opportunities and threats;
- the ability to understand the legal and policy framework under which the Funds operate and the relationship of that framework to the jurisdictions of Member States;
- experience of working with external auditors and assessors and a knowledge of internal and external audit, internal control, compliance activities, fraud control and corporate governance;
- experience of risk identification, evaluation and management;
- knowledge of procurement, information management and security, information systems and emerging technology; and
- financial and business acumen, management skills, project and programme management and administrative experience.

Desirable personal attributes for candidates nominated for election to the IOPC Funds' Audit Body

On a personal level, candidates nominated for election to the Funds' Audit Body should also desirably include a range of attributes from the following list:

- good communication skills in written and spoken word with English being the working language of the Audit Body;
- an ability to add value to a discussion or matter under consideration and to ask relevant questions, evaluate answers and probe for information;
- an ability to analyse information from a range of sources across disparate sectoral areas and an ability to maintain a healthy level of professional objectivity in evaluating information and making judgements;
- being proactive in identifying issues and risks;
- a professional approach to duties, including an appropriate commitment of time and effort and a willingness to take on new tasks and assume responsibilities for undertaking key aspects of the Audit Body's work programme;
- common sense, with a practical approach to problem solving;
- an ability to work cooperatively in a committee type environment;
- an ability to develop rapport with a broad range of individuals both inside and outside of the IOPC Funds;
- personal integrity, impartiality and an ability to recognise and avoid any conflicts of interest;
- strong ethical values, an appreciation of the Funds' culture and values and a determination to uphold these values coupled with a thoughtful approach to any ethical issues that may arise; and
- an ability to work constructively with the Secretariat and the governing bodies to achieve continuous improvement of the Funds' financial and non-financial performance management arrangements.

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ANNEX IV

Resolution N°12—Measures in respect of outstanding oil reports and outstanding contributions

(April 2016)

THE ASSEMBLY OF THE INTERNATIONAL OIL POLLUTION COMPENSATION FUND, 1992 (1992 Fund),

RECALLING that the International Fund for Compensation for Oil Pollution Damage, 1992 (the 1992 Fund) was established by the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992 (the 1992 Fund Convention) in order to ensure that adequate compensation is available to persons who suffer damage caused by pollution resulting from the escape or discharge of oil from ships,

NOTING the obligation of States Parties pursuant to Article 15 of the 1992 Fund Convention to communicate to the Director of the Fund (the Director), at a time and in the manner provided in the Internal Regulations, the name and address of any person who in respect of those States is liable to contribute to the 1992 Fund pursuant to Article 10 of the 1992 Fund Convention, as well as data on the relevant quantities of contributing oil received by any such person during the preceding calendar year (oil reports),

MINDFUL, in order to secure adequate compensation, of the need to ensure payment of annual contributions to the 1992 Fund as required by Article 10 of the 1992 Fund Convention,

NOTING also the duty of States Parties pursuant to Article 13.2 of the 1992 Fund Convention to ensure that any obligation to contribute to the 1992 Fund arising under the Convention in respect of oil received within the territory of those States is fulfilled and to this end to take appropriate measures under their law,

AWARE THAT, where States Parties are in breach of their obligations under Article 13.2 or Article 15 of the 1992 Fund Convention, then those States Parties bear a responsibility to the 1992 Fund under public international law,

BEARING IN MIND that the 1992 Fund cannot carry out its mandate nor operate effectively unless accurate oil reports and contributions are received in a timely manner,

RECALLING the decision taken in October 2008 by the 1992 Fund Assembly at its 13th session to adopt a policy whereby, in the event that a State is two or more oil reports in arrears, any claim submitted by the Administration of that State or a public authority working directly on the response or recovery from the pollution incident on behalf of that State will be assessed for admissibility but payment will be deferred until the reporting deficiency is rectified,

RECALLING also Resolution N°11—Measures in respect of Contributions (October 2009),

- 1 **ENDORSES** the current efforts of the Director to follow up on arrears of oil reports and contributions;
- 2 **CALLS ON** all receivers of contributing oil to discharge their obligations under the 1992 Fund Convention in a timely manner;
- 3 **URGES** associations representing receivers of contributing oil to engage proactively in ensuring that industry members meet their obligations and to report to the Director on the measures taken in this regard;

- 4 **FURTHER URGES** all States Parties to fulfil their obligations under Articles 13.2, 15.1 and 15.2 of the 1992 Fund Convention, in particular, to provide oil reports in a timely and accurate manner and to ensure payment of contributions;
- 5 **REMINDS** States Parties of the option contained in Article 14.1 of the 1992 Fund Convention whereby a State Party may at any time declare that it assumes the obligation to make contributions to the 1992 Fund that are otherwise incumbent on persons pursuant to Article 10.1 of the Convention;
- 6 **REQUESTS** those State Parties which have outstanding oil reports or which have contributors that are in arrears with their payments to report to the Director on any steps they have taken to redress these situations;
- 7 **INSTRUCTS** the Director:
 - (a) in consultation with the Audit Body, to examine the reports referred to in paragraphs 4 and 6 above and to present any recommendations to the 1992 Fund Assembly;
 - (b) to report at each regular session of the 1992 Fund Assembly the names of those States which have not provided oil reports or which have not taken steps to ensure the timely payment of contributions; and
 - (c) to include in such reports an account of what actions, if any, have been taken by the States referred to in sub-paragraph (b) in the previous 12 month period in response to any request made by the Director to rectify the situation;
- 8 **DECIDES** that it shall make a determination as to those States that are responsible for two or more oil reports in arrears, in which event any claim submitted by the Administration of those States, including a claim submitted by a public authority working directly on the response or recovery for the pollution incident on behalf of those States, will be assessed for admissibility, but actual payment will be deferred pending rectification of the reporting deficiency;
- 9 **DECIDES ALSO** that it shall make a determination as to those States that are found to be in breach of their obligations under Article 13.2 of the 1992 Fund Convention for two or more years, in which event any claim submitted by the Administration of those States, including a claim submitted by a public authority working directly on the response or recovery for the pollution incident on behalf of those States, will be assessed for admissibility, but actual payment will be deferred pending rectification of the breach;
- 10 **DECIDES FURTHER** that it shall make a determination as to those States that are found to be in breach of their obligations under Articles 13.2, 15.1 or 15.2 of the 1992 Fund Convention, in which event those States shall not be eligible to nominate candidates for membership of the Audit Body nor to be elected as members of the 1992 Fund Executive Committee;
- 11 **INSTRUCTS** the Director to develop guidelines in relation to implementation by States Parties of their obligations under Articles 13.2, 15.1 and 15.2 of the 1992 Fund Convention;
- 12 **DIRECTS** the Audit Body to:
 - (a) monitor the effectiveness of the above actions in respect of outstanding oil reports and outstanding contributions; and

(b) report to the 1992 Fund Assembly on its findings, including recommendations for further measures as may be warranted;

13 **REVOKES** Resolution N°11 of the 1992 Fund Assembly (October 2009) to the extent that it affects the 1992 Fund.
