



International Oil Pollution  
Compensation Funds

<b>Agenda Item 7</b>	IOPC/NOV20/7/3	
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<b>Original</b>	English	
<b>1992 Fund Assembly</b>	92A25	●
<b>1992 Fund Executive Committee</b>	92EC74	
<b>Supplementary Fund Assembly</b>	SA17	●

## APPOINTMENT OF THE DIRECTOR

### Note by the Chair of the 1992 Fund Assembly

<b>Summary:</b>	<p>The second term of the Director of the IOPC Funds expires on 31 December 2021. The post of Director will therefore become vacant on 1 January 2022.</p> <p>At its regular session in 2021, the 1992 Fund Assembly will have to appoint a new Director who will, <i>ex officio</i>, also be the Director of the Supplementary Fund.</p> <p>In 2021, the Director will issue a circular inviting 1992 Fund Member States to submit nominations for candidates. The circular will provide details as to how the nominations should be presented.</p> <p>The details on the responsibilities of the Director as well as desirable experience, skills and competences of candidates are contained in the Annex to this document.</p>
<b>Action to be taken:</b>	<p><u>1992 Fund Assembly and Supplementary Fund Assembly</u></p> <p>Information to be noted.</p>

### 1 Introduction

- 1.1 At its 21st session held in October 2016, the 1992 Fund Assembly decided to reappoint the Director, Mr José Maura, to serve for a second term from 1 November 2016 to 31 December 2021. The post of Director will therefore become vacant on 1 January 2022.
- 1.2 At its regular session in 2021, the 1992 Fund Assembly will have to appoint a new Director who will, *ex officio*, also be the Director of the Supplementary Fund.
- 1.3 In 2021, the Director will issue a circular inviting 1992 Fund Member States to submit nominations for candidates. The circular will contain the details as to how the nominations should be presented.
- 1.4 A document on the procedures relating to the appointment of the Director will also be published in due course.
- 1.5 The details on the responsibilities of the Director as well as desirable experience, skills and competences of candidates are contained in the Annex to this document.

**2      Action to be taken**

1992 Fund Assembly and Supplementary Fund Assembly

The 1992 Fund Assembly and the Supplementary Fund Assembly are invited to take note of the information contained in this document.

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## **ANNEX**

### **Nomination of candidates for the position of Director of the International Oil Pollution Compensation Funds**

The second term of the Director of the IOPC Funds expires on 31 December 2021. The post of Director will therefore become vacant on 1 January 2022.

At its regular session in 2021, the 1992 Fund Assembly will have to appoint a new Director.

The new Director of the 1992 Fund will, *ex officio*, also be the Director of the International Oil Pollution Compensation Supplementary Fund (Supplementary Fund).

The Director was instructed by the 1992 Fund Assembly to make the necessary preparations for the entry into force of the 1996 International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea (HNS Convention); the preparations to be based on the assumption that the present IOPC Funds Secretariat will administer also the Fund which will be established under the HNS Convention.

In 2021, the Director will issue a circular inviting 1992 Fund Member States to submit nominations for candidates. The circular will also contain the details on the procedures relating to the appointment of the Director.

The relevant provisions of the 1992 Fund Convention and details on the responsibilities of the Director as well as desirable experience, skills and competences of the candidates are set out in this Annex.

States nominating a candidate should validate the candidate's experience, skills and competences against those set in this Annex by indicating to what extent the candidate fulfils these attributes.

**States which will be Members of the 1992 Fund at the opening of the**  
**26th session of the 1992 Fund Assembly in 2021**

Albania	Greece	Palau
Algeria	Grenada	Panama
Angola	Guinea	Papua New Guinea
Antigua and Barbuda	Guyana	Philippines
Argentina	Hungary	Poland
Australia	Iceland	Portugal
Bahamas	India	Qatar
Bahrain	Iran (Islamic Republic of)	Republic of Korea
Barbados	Ireland	Russian Federation
Belgium	Israel	Saint Kitts and Nevis
Belize	Italy	Saint Lucia
Benin	Jamaica	Saint Vincent and the Grenadines
Brunei Darussalam	Japan	Samoa
Bulgaria	Kenya	Senegal
Cabo Verde	Kiribati	Serbia
Cambodia	Latvia	Seychelles
Cameroon	Liberia	Sierra Leone
Canada	Lithuania	Singapore
China <sup>&lt;1&gt;</sup>	Luxembourg	Slovakia
Colombia	Madagascar	Slovenia
Comoros	Malaysia	South Africa
Congo	Maldives	Spain
Cook Islands	Malta	Sri Lanka
Côte d'Ivoire	Marshall Islands	Sweden
Croatia	Mauritania	Switzerland
Cyprus	Mauritius	Syrian Arab Republic
Denmark	Mexico	Thailand
Djibouti	Monaco	Tonga
Dominica	Montenegro	Trinidad and Tobago
Dominican Republic	Morocco	Tunisia
Ecuador	Mozambique	Turkey
Estonia	Namibia	Tuvalu
Fiji	Nauru	United Arab Emirates
Finland	Netherlands	United Kingdom
France	New Zealand	United Republic of Tanzania
Gabon	Nicaragua	Uruguay
Gambia	Nigeria	Vanuatu
Georgia	Niue	Venezuela (Bolivarian Republic of)
Germany	Norway	
Ghana	Oman	

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<sup><1></sup> The 1992 Fund Convention applies to the Hong Kong Special Administrative Region only.  
IOPC/NOV20/7/3, Annex, page 2

## **JOB SPECIFICATION FOR THE POST OF DIRECTOR**

### **OVERVIEW**

There are two Fund Organisations: the International Oil Pollution Compensation Fund 1992 (1992 Fund) established under the 1992 Fund Convention and the International Oil Pollution Compensation Supplementary Fund (Supplementary Fund) established under a Protocol adopted in 2003.

The IOPC Funds are world-wide inter-governmental organisations, i.e. set up by States, providing compensation to victims of oil pollution damage resulting from spills of persistent oil from tankers. The Funds are financed by levies on certain types of oil carried by sea. The levies are paid by entities which receive oil after sea transport, normally not by States. The Funds are administered by a joint Secretariat located in London.

The Director of the 1992 Fund is *ex officio* Director of the International Oil Pollution Compensation Supplementary Fund.

It is possible that the IOPC Funds Secretariat will, in a few years' time, also administer the Fund to be established under the Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea (HNS Convention).

### **ROLE OF THE DIRECTOR**

The role of the Director is defined in Article 29 of the 1992 Fund Convention and corresponding provisions apply in respect of the Supplementary Fund. Article 29 states:

1. The Director shall be the chief administrative officer of the Fund. Subject to the instructions given to him by the Assembly, he shall perform those functions which are assigned to him by this Convention, the Internal Regulations of the Fund and the Assembly.
2. The Director shall in particular:
  - (a) appoint the personnel required for the administration of the Fund;
  - (b) take all appropriate measures with a view to the proper administration of the Fund's assets;
  - (c) collect the contributions due under this Convention while observing in particular the provisions of Article 13, paragraph 3;
  - (d) to the extent necessary to deal with claims against the Fund and carry out the other functions of the Fund, employ the services of legal, financial and other experts;
  - (e) take all appropriate measures for dealing with claims against the Fund within the limits and on conditions to be laid down in the Internal Regulations, including the final settlement of claims without the prior approval of the Assembly where these Regulations so provide;
  - (f) prepare and submit to the Assembly the Financial Statements and budget estimates for each calendar year;
  - (g) prepare, in consultation with the Chair of the Assembly, and publish a report of the activities of the Fund during the previous calendar year; and
  - (h) prepare, collect and circulate the papers, documents, agenda, minutes and information that may be required for the work of the Assembly and subsidiary bodies.

## **RESPONSIBILITIES**

The Director is the legal representative of the IOPC Funds and has overall responsibility for all aspects of the IOPC Funds' activities and for the operation of the Secretariat, pursuant to Article 29 above. He/she has the primary responsibility to ensure that the joint Secretariat of the two Funds carries out its functions in accordance with the Fund Conventions, the Internal and Financial Regulations and the decisions of the governing bodies.

The Director's responsibilities can be grouped into four broad categories:

- settlement of compensation claims;
- management of the Secretariat;
- management of the IOPC Funds' assets, including the levying of contributions; and
- preparation of the sessions and decisions of the Assembly and the Executive Committee as well as the implementation of these decisions.

These responsibilities can be described in more detail as follows:

a. Strategy and policy

Within the parameters laid down by the governing bodies, the Director deals with matters of strategic importance, policy issues, long-term planning and high-level contacts with governments, non-governmental organisations and private entities as well as deciding the position to be taken by the Funds on important legal, financial and technical matters. He/she endeavours to provide consistency in the interpretation of the 1992 Civil Liability and Fund Conventions and transposes the decisions of the governing bodies into Fund policies.

b. Leadership/general management

In view of the small size of the Secretariat (at present 35 established posts) and the characteristics of the two Funds, the Director is personally involved in all significant substantive aspects of the operations of the Secretariat.

The Director ensures that the Secretariat is organised and managed in accordance with best practices in similar organisations so as to enable it to function effectively and efficiently and to ensure that staff members are well-motivated and committed. He/she takes the necessary steps to develop the Secretariat function so as to enable the Secretariat to adapt to developments. He/she is also responsible for the operations of local offices set up in Member States where major oil pollution incidents have occurred and for the management of a considerable number of experts engaged by the Organisations to deal with various aspects of incidents and compensation claims.

c. Claims handling

The Director ensures that the claims-handling procedure is efficient and of high quality, and that claims are dealt with in accordance with the Conventions, the Internal Regulations and the policy laid down by the governing bodies. He/she considers issues relating to the admissibility of claims which give rise to questions of principle or are of a sensitive nature and decides whether claims should be submitted to the governing bodies for consideration. He/she conducts ministerial or other high-level negotiations in Member States where important incidents have occurred.

d. Financial matters

The Director considers and approves the draft Financial Statements for submission to the External Auditor and the draft budget for submission to the governing bodies. He/she ensures that there are adequate financial controls. Within the mandate given by the governing bodies, he/she decides on the levying of contributions, on what measures should be taken when States fail to submit oil reports and on what steps should be taken against contributors in arrears. The IOPC Funds handle significant amounts of money and hold considerable assets. Within the parameters laid down by the governing bodies, he/she is responsible for the management of the IOPC Funds' assets and decides on the investment of these assets. The Director attends the meetings of the Funds' Audit Body and the Investment Advisory Body.

e. Meetings and documentation

The Director convenes sessions of the governing bodies and ensures that the appropriate documents are prepared for these sessions.

f. Representation

The Director represents the Funds at the policy level at meetings with governments of Member and non-Member States as well as at meetings of other intergovernmental organisations. He/she represents the Funds at conferences, seminars and workshops, giving speeches and presentations. He/she also represents the Funds in relation to the media.

**CANDIDATE PROFILE**

The successful candidate will have extensive administrative and management experience at senior level, demonstrated leadership experience and a strong track record in dealing with public and private sector organisations at a senior level. He/she needs to be a highly effective communicator, with demonstrable skills in negotiation and diplomacy, and the ability to deal credibly and authoritatively with governments and other parties in the shipping, insurance and oil industries, as well as with victims of oil pollution.

1. Knowledge/professional experience

The successful candidate would **ideally** have the following knowledge and professional experience:

- expert knowledge of the 1992 Civil Liability and Fund Conventions and other related conventions;
- experience in handling complex legal issues relevant to the work of the Funds and ability to understand various legal systems;
- experience of claims-handling matters;
- ability to assess and take decisions on expert advice in legal and other matters;
- experience in financial matters, general management and handling of staff matters;
- experience of the public sector and grasp of decision processes and reasoning of governments;
- familiarity with high-level negotiations;
- experience of working with governments at all levels as well as with public and private bodies;
- experience of international conferences and intergovernmental meetings;
- experience in dealing with the media;
- excellent oral and written communication skills including ability to draft complex documents.

## 2. Personal attributes

The successful candidate would be expected to have the following personal attributes:

- objectivity and integrity;
  - fairness;
  - diplomacy;
  - sensitivity to political issues related to the work of the Funds;
  - excellent decision-making skills;
  - flexibility and openness to change;
  - excellent inter-personal skills;
  - organisational and management skills;
  - ability to set priorities;
  - ability to delegate and to motivate staff and others who work on behalf of the Funds;
  - attention to detail; and
  - fluency in one of the official languages of the Funds (English, French and Spanish) and a good working knowledge of one of the other two official languages, bearing in mind the working environment of the Secretariat and related organisations.
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