



International Oil Pollution
Compensation Funds

Agenda Item 1	IOPC/MAR22/1/5	
Date	17 February 2022	
Original	English	
1992 Fund Assembly	92AES26	●
1992 Fund Executive Committee	92EC78	
Supplementary Fund Assembly	SAES10	

AMENDMENTS TO RULES OF PROCEDURE

1992 Fund Executive Committee

Note by the Secretariat

Summary:	This document sets out proposed amendments to the Rules of Procedure for the 1992 Fund Executive Committee in order to clarify the process for the election of the Chair and Vice-Chair of the Executive Committee.
Action to be taken:	<u>1992 Fund Assembly</u> Decide whether to approve the proposed amendments to Rule 18 of the Rules of Procedure of the 1992 Fund Executive Committee, as set out in paragraph 3.2.

1 Introduction

- 1.1 This document sets out a proposal to amend Rule 18 of the Rules of Procedure of the 1992 Fund Executive Committee in order to clarify the process for the election of the Chair and Vice-Chair of the Executive Committee.
- 1.2 Proposed amendments are set out below in paragraph 3.2.

2 Background information

2.1 Practice prior to October 2014

- 2.1.1 Prior to October 2014, the Executive Committee was elected by the 1992 Fund Assembly as part of the Assembly's regular session, and then the new Executive Committee would convene a second session to elect its Chair and Vice-Chair. This was provided by the defunct Executive Committee Rule of Procedure, Rule X, which has since been deleted (see section 2.2):

Rule X

The first session of the Executive Committee after an ordinary session of the Assembly shall be opened by the representative of the former Chair's delegation or, if that delegation is not a Committee member, of the Vice-Chair's delegation or, if this delegation is not a Committee member either, by the Director.

- 2.1.2 At the October 2014 sessions of the governing bodies, the Director pointed out that Rule X effectively meant that the Chairs presided over their own elections. At the same sessions, the Director informed the governing bodies that for the October 2014 sessions and future sessions, the Director would chair this agenda item for all three governing bodies and that a document proposing an amendment to the Rules of

Procedure would be submitted to the governing bodies at their next sessions (IOPC/OCT14/11/1/1, paragraph 2.2).

2.2 Practice since April 2015

- 2.2.1 At the April 2015 sessions of the governing bodies, the Director noted the importance of ensuring that there was an elected Chair and Vice-Chair in place between the sessions of the Executive Committee in case an incident takes place before the next scheduled session, which required that an extraordinary session be convened.
- 2.2.2 With this in mind, the Director proposed at the same sessions that the election of the Chair and Vice-Chair could take place within the regular sessions of the governing bodies under the agenda item Compensation matters. Once the 1992 Fund Assembly had elected the incoming Executive Committee, the 1992 Fund Chair could invite nominations for the Chair and Vice-Chair positions from those newly elected Member States. Once confirmed, these positions would be considered as Chair-Elect and Vice-Chair Elect, and the incumbents would assume responsibility for the position as soon as the regular sessions had concluded and the Records of Decisions for all relevant bodies had been adopted.
- 2.2.3 The 1992 Fund Assembly decided to adopt this practice and, therefore, decided to delete Rule X of the 1992 Fund Executive Committee Rules of Procedure (IOPC/APR15/9/1, paragraph 6.1.6 (i)).
- 2.2.4 For information, at the same April 2015 sessions, the 1992 Fund Assembly decided to amend Rule 21 of its Rules of Procedure to confirm that the Director would chair until the Assembly had elected a Chair for the session (IOPC/APR15/9/1, paragraph 6.1.3 (i))^{<1>}.

2.3 Issue encountered since 2020

- 2.3.1 Overall, the practice of electing the Chair and Vice-Chair at the same time as the election of the Executive Committee has worked well, however, Rule 18 and the practice adopted do not provide for scenarios when a Chair or Vice-Chair resigns before the end of their term.
- 2.3.2 In this case, a Chair/Vice-Chair would need to be elected at the start of the regular sessions (under agenda item Procedural matters) so that the Executive Committee session can proceed with a Chair/Vice-Chair in place. However, the Secretariat has found that there is a conflict with the practice and Rule 18, and it is unclear who should preside over this item under these circumstances.

Rule 18

The Executive Committee shall elect a Chair and a Vice-Chair from among the representatives of the Committee members. The Chair and Vice-Chair shall hold office at all sessions of the Executive Committee until the next regular session of the Assembly.

3 Proposal for Amendments to Rule 18

- 3.1 In order to clarify the process of who should preside over the election of the Chair and Vice-Chair of the Executive Committee when a position is vacant at the start of a session, it is proposed that the Director chairs this item not only to be in line with the Rule 21 of the Rules of Procedure of the 1992 Fund Assembly and the Supplementary Fund Assembly but also in case a session of the Executive Committee is convened separately to an Assembly session.

<1> The Supplementary Fund Assembly decided to make the same amendment to the equivalent rule provided in Rule 21 of the Rules of Procedure of the Supplementary Fund Assembly at its October 2015 session (IOPC/OCT15/11/1, paragraph 7.3.2).

- 3.2 Proposed amendments to Rule 18 of the Rules of Procedure of the 1992 Fund Executive Committee are set out, with new text identified with underline:

Rule 18

The Executive Committee shall elect a Chair and a Vice-Chair from among the representatives of the Committee members, at each regular session of the 1992 Fund Assembly. The Chair and Vice-Chair shall hold office at all sessions of the Executive Committee from the conclusion of the regular session until the conclusion of the next regular session of the Assembly.

The 1992 Fund Assembly Chair will invite nominations for the Chair and Vice-Chair positions once the Assembly has elected the incoming Executive Committee. Should the Chair resign from their position before the end of their term, at the opening of the Executive Committee session, the Director shall chair until the Executive Committee has elected a Chair for the session. Should the Vice-Chair resign from their position before the end of their term, the Chair of the Executive Committee shall preside over the election of a new Vice-Chair.

4 Action to be taken

1992 Fund Assembly

The 1992 Fund Assembly is invited to decide whether to approve the proposed amendments to Rule 18 of the Rules of Procedure of the 1992 Fund Executive Committee, as set out in paragraph 3.2.
