



International Oil Pollution
Compensation Funds

Agenda Item 1	IOPC/APR25/1/3	
Date	25 March 2025	
Original	English	
1992 Fund Assembly	92AES29	●
1992 Fund Executive Committee	92EC84	●
Supplementary Fund Assembly	SAES13	●

CREDENTIALS FOR THE MEETINGS OF THE GOVERNING BODIES

Note by the Secretariat

Summary:

This document aims to clarify one of the most frequent issues encountered by the Credentials Committee relating to the proper authorisation of the person issuing credentials. It also seeks to formalise the requirement to officially communicate the delegated authority of an individual authorised by a Government to the Director through a separate letter. This is a practice that has been recommended by the Credentials Committee in the past and has been adopted by many Member States with positive results.

This would involve the amendment of Rule 9 of the Rules of Procedure of the 1992 Fund Assembly and of the Supplementary Fund Assembly, and Rule 8 of the Rules of Procedure of the 1992 Fund Executive Committee. It would also require the issuing of a new circular on credentials and notifications for IOPC Funds' meetings.

Action to be taken:

1992 Fund Assembly and Supplementary Fund Assembly

- (a) Decide whether to endorse the Secretariat's proposal to formalise the requirement to officially communicate to the Director, through a separate letter, that an appropriate authority has been authorised by a Government to issue credentials, as set out in paragraph 2.1;
- (b) If the proposal is endorsed, amend Rule 9 of the Rules of Procedure of the 1992 Fund Assembly and the Supplementary Fund Assembly accordingly, as set out at Annexes I and II; and
- (c) Instruct the Director to issue a new circular on credentials and notifications for IOPC Funds' meetings.

1992 Fund Executive Committee

- (a) Note the decisions of the 1992 Fund Assembly and Supplementary Fund Assembly; and
- (b) Amend Rule 8 of the Rules of Procedure of the 1992 Fund Executive Committee accordingly, as set out at Annex III.

1 Introduction

1.1 The policy in respect of the formal requirements relating to the issuance and submission of credentials and notifications for meetings of the IOPC Funds' governing bodies, as provided in Rule 9 of the Rules of Procedure of the 1992 Fund Assembly and of the Supplementary Fund Assembly, and Rule 8 of the Rules of Procedure of the 1992 Fund Executive Committee, has been reviewed and amended on several occasions in order to address inconsistencies and clarify certain aspects of both the content of credentials and the procedure for their submission.

1.2 Rule 9 of the Rules of Procedure of the 1992 Fund Assembly and Supplementary Fund Assembly states that:

'Each Member shall transmit to the Director the credentials of its representative, together with the names of any alternates or other members of its delegation not later than five working days prior to the opening of the Assembly session. The credentials shall be issued by the Head of State or by the Head of Government or by the Minister for Foreign Affairs or the Ambassador or High Commissioner either accredited to the country where the Headquarters of the IOPC Funds are located or where a session takes place or by an appropriate authority as determined by the Government and communicated to the Director. Where such authority is a person who is not a Government employee, such authorisation shall be communicated to the Director not later than five working days prior to the opening of the Assembly session.'

1.3 Rule 8 of the Rules of Procedure for the 1992 Fund Executive Committee is the same as Rule 9 of the 1992 Fund Assembly and Supplementary Assembly, except where it refers to the Executive Committee.

1.4 Sometimes credentials are issued by an authority as determined by the Government, but no communication is provided to the Director that the individual issuing the credentials is 'an appropriate authority as determined by the Government and communicated to the Director'. This issue has been raised several times in the past.

1.5 When this situation has previously been encountered in the past, the Credentials Committee have recommended that credentials be issued preferably by the Head of State, the Head of Government, the Minister of Foreign States or the Ambassador/High Commissioner, or that they officially communicate details of any delegated authority to the Director of the IOPC Funds (document IOPC/APR12/1/2/1, paragraph 2.6). On another occasion, the Credentials Committee thanked delegations that had followed that recommendation whereby if credentials are not issued by the Head of State, the Head of Government, the Minister of Foreign Affairs or the Ambassador/High Commissioner a letter from the appropriate authority appointing the person authorised to issue credentials for the sessions of the governing bodies should be provided to the Director of the IOPC Funds (document IOPC/APR13/1/2/1, paragraph 1.7).

2 Proposed solution

2.1 In order to clarify and simplify this matter and to ensure consistent application of the Rules of Procedure, the Secretariat proposes that Rule 9 of the Rules of Procedure of the 1992 Fund Assembly and of the Supplementary Fund Assembly, and Rule 8 of the Rules of Procedure of the 1992 Fund Executive Committee be amended as follows (proposed new text in bold):

'Each Member shall transmit to the Director the credentials of its representative, together with the names of any alternates or other members of its delegation not later than five working days prior to the opening of the Assembly session. The credentials shall be issued by the Head of State or by the Head of Government or by the Minister for Foreign Affairs or the Ambassador or High Commissioner either accredited to the country where the Headquarters of the IOPC Funds are located or where a session takes place or by an

appropriate authority as determined by the Government and communicated to the Director. ~~Where such authority is a person who is not a Government employee, such authorisation shall be communicated to the Director not later than five working days prior to the opening of the Assembly session.~~

Where the credentials are issued by an appropriate authority as determined by the Government, a letter authorising the authority to issue credentials shall be provided to the Director, not later than five working days prior to the opening of the Assembly [Executive Committee] session. The letter shall be signed by the Head of State, the Head of Government, or by the Minister of Foreign Affairs or the Ambassador or High Commissioner either accredited to the country where the Headquarters of the IOPC Funds are located or where a session takes place.'

- 2.2 Rule 8 of the Rules of Procedure for the 1992 Fund Executive Committee will also need to be amended accordingly to align, *mutatis mutandis*, with Rule 9 of the 1992 Fund Assembly and Supplementary Assembly, except where it refers to the Executive Committee.
- 2.3 The reference to the deadline for presenting credentials 'where the authority is not a Government employee' has been deleted as all authorities must submit credentials not later than five working days prior to the opening of the Assembly session, making the distinction unnecessary.
- 2.4 The letter appointing the appropriate authority as determined by the Government to issue credentials shall remain valid and in effect for subsequent sessions of the governing bodies until a new person is authorised and communicated to the Director.
- 2.5 If endorsed by the governing bodies, the amendment to the Rules of Procedure to clarify the proper authorisation of the person issuing the credentials will facilitate the work of the Secretariat and the Credentials Committee. This amendment, aligned with best practices for the submission of credentials, will mitigate the risk of issues arising during a vote, as only those Member States whose credentials are in order are permitted to vote. In addition, it will also ensure that all Member States adhere to a uniform rule and standard practice. As indicated above, this amendment to the Rules of Procedure will formalise a practice that has been adopted by many Member States in the past with positive results.
- 2.6 If endorsed by the governing bodies, the amendment of Rule 9 of the Rules of Procedure of the 1992 Fund Assembly and of the Supplementary Fund Assembly, and Rule 8 of the Rules of Procedure of the 1992 Fund Executive Committee will be amended to reflect the changes above. A new circular on credentials and notifications for IOPC Funds' meetings will also need to be issued.

3 Action to be taken

3.1 1992 Fund Assembly and Supplementary Fund Assembly

The 1992 Fund Assembly and Supplementary Fund Assembly are invited:

- (a) to decide whether to endorse the Secretariat's proposal to formalise the requirement to officially communicate to the Director, through a separate letter, that an appropriate authority has been authorised by a Government to issue credentials, as set out in paragraph 2.1;
- (b) if the proposal is endorsed, to amend Rule 9 of the Rules of Procedure of the 1992 Fund Assembly and Supplementary Fund Assembly accordingly, as set out at Annexes I and II; and
- (c) to instruct the Director to issue a new circular on credentials and notifications for IOPC Funds' meetings.

3.2 1992 Fund Executive Committee

The 1992 Fund Executive Committee is invited:

- (a) to take note of the decisions of the 1992 Fund Assembly and Supplementary Fund Assembly; and
- (b) to amend Rule 8 of the Rules of Procedure of the 1992 Fund Executive Committee accordingly, as set out at Annex III.

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ANNEX I

RULES OF PROCEDURE FOR THE ASSEMBLY OF THE INTERNATIONAL OIL POLLUTION COMPENSATION FUND ESTABLISHED UNDER THE 1992 FUND CONVENTION

(Proposed deletions are indicated by strikethrough of the text. New text is indicated in bold.)

Credentials

Rule 9

Each Member shall transmit to the Director the credentials of its representative, together with the names of any alternates or other members of its delegation not later than five working days prior to the opening of the Assembly session. The credentials shall be issued by the Head of State or by the Head of Government or by the Minister for Foreign Affairs or the Ambassador or High Commissioner either accredited to the country where the Headquarters of the IOPC Funds are located or where a session takes place or by an appropriate authority as determined by the Government and communicated to the Director. ~~Where such authority is a person who is not a Government employee, such authorisation shall be communicated to the Director not later than five working days prior to the opening of the Assembly session.~~

Where the credentials are issued by an appropriate authority as determined by the Government, a letter authorising the authority to issue credentials shall be provided to the Director, not later than five working days prior to the opening of the Assembly session. The letter shall be signed by the Head of State, the Head of Government, or by the Minister of Foreign Affairs or the Ambassador or High Commissioner either accredited to the country where the Headquarters of the IOPC Funds are located or where a session takes place.

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ANNEX II

RULES OF PROCEDURE FOR THE ASSEMBLY OF THE INTERNATIONAL OIL POLLUTION COMPENSATION SUPPLEMENTARY FUND ESTABLISHED UNDER THE 2003 SUPPLEMENTARY FUND PROTOCOL

(Proposed deletions are indicated by strikethrough of the text. New text is indicated in bold.)

Credentials

Rule 9

Each Member shall transmit to the Director the credentials of its representative, together with the names of any alternates or other members of its delegation not later than five working days prior to the opening of the Assembly session. The credentials shall be issued by the Head of State or by the Head of Government or by the Minister for Foreign Affairs or the Ambassador or High Commissioner either accredited to the country where the Headquarters of the IOPC Funds are located or where a session takes place or by an appropriate authority as determined by the Government and communicated to the Director. ~~Where such authority is a person who is not a Government employee, such authorisation shall be communicated to the Director not later than five working days prior to the opening of the Assembly session.~~

Where the credentials are issued by an appropriate authority as determined by the Government, a letter authorising the authority to issue credentials shall be provided to the Director, not later than five working days prior to the opening of the Assembly session. The letter shall be signed by the Head of State, the Head of Government, or by the Minister of Foreign Affairs or the Ambassador or High Commissioner either accredited to the country where the Headquarters of the IOPC Funds are located or where a session takes place.

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ANNEX III

RULES OF PROCEDURE FOR THE EXECUTIVE COMMITTEE OF THE INTERNATIONAL OIL POLLUTION COMPENSATION FUND ESTABLISHED UNDER THE 1992 FUND CONVENTION

(Proposed deletions are indicated by strikethrough of the text. New text is indicated in bold.)

Credentials

Rule 8

Each Member shall transmit to the Director the credentials of its representative, together with the names of any alternates or other members of its delegation not later than five working days prior to the opening of the Executive Committee session. The credentials shall be issued by the Head of State or by the Head of Government or by the Minister for Foreign Affairs or the Ambassador or High Commissioner either accredited to the country where the Headquarters of the IOPC Funds are located or where a session takes place or by an appropriate authority as determined by the Government and communicated to the Director. ~~Where such authority is a person who is not a Government employee, such authorisation shall be communicated to the Director not later than five working days prior to the opening of the Executive Committee session.~~

Where the credentials are issued by an appropriate authority as determined by the Government, a letter authorising the authority to issue credentials shall be provided to the Director, not later than five working days prior to the opening of the Executive Committee session. The letter shall be signed by the Head of State, the Head of Government, or by the Minister of Foreign Affairs or the Ambassador or High Commissioner either accredited to the country where the Headquarters of the IOPC Funds are located or where a session takes place.'