



International Oil Pollution
Compensation Funds

Agenda Item 1	IOPC/APR25/1/5	
Date	10 April 2025	
Original	Spanish	
1992 Fund Assembly	92AES29	●
1992 Fund Executive Committee	92EC84	●
Supplementary Fund Assembly	SAES13	●

IMPLEMENTATION OF THE RULES OF PROCEDURE OF THE GOVERNING BODIES AND STRENGTHENING OF COMMUNICATION BETWEEN THE SECRETARIAT AND THE MEMBER STATES

Submitted by Panama

Summary:

This document is submitted objectively to encourage the proper implementation of the Rules of Procedure of the governing bodies, ensuring that the rights of Member States to intervene or speak are upheld. Additionally, the Secretariat and Member States are encouraged to strengthen existing communication channels, with the aim of conducting prior consultations before submitting information that could affect the international image of the Member States.

In this regard, it is proposed to include an amendment to the Rules of Procedure of the governing bodies that establishes the obligation to carry out a prior consultation process before submitting any proposal or amendment that could negatively impact the image of a Member State at an international level. This measure aims to protect the integrity and reputation of the Member States, ensuring that proposals are presented responsibly and truthfully, without compromising their image at an international level.

Action to be taken:

1992 Fund Assembly, 1992 Fund Executive Committee and Supplementary Fund Assembly

In the interest of transparency, respect, and equity, the 1992 Fund Assembly, the 1992 Fund Executive Committee and the Supplementary Fund Assembly are invited to:

- (a) take note of the information contained in this document;
- (b) encourage the Secretariat to strengthen effective communication with Member States in order to establish prior consultations before presenting any verbal or written information that could affect the international image of the Member State;
- (c) encourage Member States to strengthen effective communication among themselves in order to establish prior consultations before presenting any verbal or written information that could affect the international image of another Member State;

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| <p>(d) guarantee the proper implementation of the Rules of Procedure of the governing bodies, ensuring respect for the right of intervention and the use of the floor by Member States, in accordance with Rule 42 of the Rules of Procedure of the 1992 Fund Assembly and of the Supplementary Fund Assembly, and Rule 38 of the Rules of Procedure of the 1992 Fund Executive Committee; and</p> <p>(e) Examine, with a view to approving, the draft amendment to the Rules of Procedure of the 1992 Fund Assembly, the 1992 Fund Executive Committee and the Supplementary Fund Assembly, in accordance with the provisions set out in paragraph 3.2.</p> |
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1 Background

During the November 2024 meeting of the governing bodies of the IOPC Funds, the Secretariat intervened during the course of the session, preventing the author of this document from presenting their statement. This intervention occurred despite the fact that it had been communicated that the purpose of the statement was to provide clarification in order to safeguard the integrity of the image of the Member State involved, which was unnecessarily mentioned, and that it was not necessary to include a summary of it in the decision report. This action constituted an interference with the functions of the chair of the meeting and represented a violation of the principles of respect and equity that govern the functioning of intergovernmental bodies.

2 Respect for the right of Member States and their delegations to ‘the right to speak’

- 2.1 In the English version of Rule 42 of the Rules of Procedure of the Assemblies of the 1992 Fund and the Supplementary Fund, as well as in Rule 38 of the Rules of Procedure of the Executive Committee, the ‘right to speak’ is described as a ‘right’ of the Member States. In this regard, this right must be respected at all times during the meetings of the governing bodies of the IOPC Funds, both by the Member States and by the Secretariat.
- 2.2 However, a discrepancy is observed in the Spanish versions of these regulations, where the ‘right to speak’ is not described in the same way. Therefore, it is requested that the Rules of Procedure be clarified and their implementation reinforced, ensuring that each delegation can express its statements without undue restrictions.

3 Objective

- 3.1 The purpose of this document is to promote mutual respect between Member States and the Secretariat, as well as to guarantee the right of intervention and the use of the floor by all Member States without unjustified interference, in compliance with the Rules of Procedure of the governing bodies. Additionally, it seeks to strengthen clear and direct communication with the delegations of Member States before presenting verbal or written information that may affect their international image.
- 3.2 In order to ensure transparency and safeguard the international image of the Member States, the following amendment and addition to the Rules of Procedure of the 1992 Fund Assembly, the 1992 Fund Executive Committee and the Supplementary Fund Assembly, are proposed. This proposal refers to the following rules: Rule 39 of the 1992 Fund Executive Committee, Rule 43 of the 1992 Fund Assembly and Rule 43 of the Supplementary Fund Assembly.

Rule 39bis of the 1992 Fund Executive Committee– Rule 43bis of the 1992 Fund Assembly– Rule 43bis of the Supplementary Fund Assembly:

Prior consultations for proposals that affect the international image of Member States

Any proposal or amendment intended for presentation that may negatively impact the international image of a Member State must undergo a prior consultation process with the affected Member State(s) before its formal presentation. The proposer must contact the affected Member State(s) to inform them and assess the potential impacts, ensuring that the information presented is truthful and does not compromise the reputation and integrity of the Member State at the international level.

4 Action to be taken

1992 Fund Assembly, 1992 Fund Executive Committee and Supplementary Fund Assembly

In the interest of transparency, respect, and equity, the 1992 Fund Assembly, the 1992 Fund Executive Committee and the Supplementary Fund Assembly are invited to:

- (a) take note of the information contained in this document;
 - (b) encourage the Secretariat to strengthen effective communication with Member States in order to establish prior consultations before presenting any verbal or written information that could affect the international image of the Member State;
 - (c) encourage Member States to strengthen effective communication among themselves in order to establish prior consultations before presenting any verbal or written information that could affect the international image of another Member State;
 - (d) guarantee the proper implementation of the Rules of Procedure of the governing bodies, ensuring respect for the right of intervention and the use of the floor by Member States, in accordance with Rule 42 of the Rules of Procedure of the 1992 Fund Assembly, the Supplementary Fund Assembly, and Rule 38 of the Rules of Procedure of the Executive Committee; and
 - (e) examine, with a view to approving, the draft amendment to the Rules of Procedure of the 1992 Fund Assembly, the 1992 Fund Executive Committee and the Supplementary Fund Assembly, in accordance with the provisions set out in paragraph 3.2.
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