



INTERNATIONAL
OIL POLLUTION
COMPENSATION
FUND 1992

ASSEMBLY
12th extraordinary session
Agenda item 3

92FUND/A/ES.12/3
25 May 2007
Original: ENGLISH

CREDENTIALS FOR 1992 FUND MEETINGS

Note by the Director

Summary: At its 11th session, held in October 2006, the Assembly endorsed a number of amendments to the credentials arrangements for future sessions, as proposed by the Credentials Committee. This document sets out the Director's proposal for a change to Rule 9 of the Rules of Procedure and presents a revised version of the relevant Circular.

Action to be taken:

- (a) Decide whether to amend Rule 9 of the Rules of Procedure; and
- (b) Take note of the revised version of the Circular.

1 Introduction

1.1 At its 11th session, held in October 2006, the Assembly endorsed the following changes to the credentials arrangements for future sessions, as proposed by the Credentials Committee (cf document 92FUND/A.11/7, paragraph 8.4):

- Whilst Rule 9 of the Rules of Procedure stated that credentials may be issued by an appropriate authority as determined by the Government, it did not require this authorisation to be communicated by the Government to the Director prior to the meeting. The Credentials Committee was of the view that it was only necessary for authorisation to be communicated to the Director prior to the meeting if the person authorised to issue credentials was not a government employee.
- A person who was properly authorised to issue credentials should be entitled to issue original credentials nominating a particular representative to participate in meetings of the IOPC Funds' governing bodies for a specific calendar year.
- If credentials were submitted in a language other than one of the official languages of the Funds (English, French and Spanish) they should be accompanied by a certified translation into one of these three languages. The certified translation:
 - must bear the name, position and organisation of the person certifying the translation and be signed and dated or be stamped, dated and initialled; and
 - may be provided by that Member State's Ministry for Foreign Affairs or by its diplomatic representative in London or by one of the delegates whose names were listed in the credentials or by IMO's Translation Section.

- There was no need for the credentials to state that they gave the nominated person(s) the right to take part in the meeting(s) and vote as such rights were considered to be implied.
- Credentials which were transmitted by telefax should be accepted as valid for all meetings of the governing bodies of the 1992 Fund, irrespective of whether voting was taking place or not, and there would be no requirement for a telefax to be accompanied by an original signed letter or *Note verbale* from the State's Embassy or High Commission in London certifying the authenticity of the telefax.

1.2 As regards the acceptance of credentials submitted by telefax, it was decided that the Director should have a degree of flexibility so that, if he were to have any concerns as to the authenticity of any credentials received by telefax, he could attempt to corroborate them to the extent possible. The Assembly also decided that it would review at a later date whether or not there was any need to reconsider the issue of the acceptance of credentials submitted by telefax (document 92FUND/A.11/35, paragraph 8.8).

2 Amendment of the Rules of Procedure

2.1 The submission of credentials is governed by Rule 9 of the 1992 Fund Assembly's Rules of Procedure, which currently reads:

'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 the opening day of the Assembly. The credentials shall be issued by the Head of State or by the Head of Government or by the Minister for Foreign Affairs or by an appropriate authority as determined by the Government and communicated to the Director.'

2.2 In this regard, the Rules of Procedure for the 1992 Fund Executive Committee are *mutatis mutandis* the same as those for the Assembly.

2.4 The Director proposes that Rule 9 should be amended as follows:

'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 the opening day of the Assembly. The credentials shall be issued by the Head of State or by the Head of Government or by the Minister for Foreign Affairs 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 in advance of the opening day of the Assembly.'

3 Revision of the Circular

3.1 Detailed guidance in respect of the form and content of credentials is given in Circular 92FUNDS/Circ.49, which was issued by the Director and endorsed by the 1992 Fund Assembly at its March 2005 session.

3.2 The Director has incorporated the remainder of the changes set out in paragraph 1.1 into a revised version of the Circular, as contained in Annex I, which will be issued shortly. The changes which have been made compared with the original Circular are clearly marked in the version contained in Annex II.

4 Action to be taken by the Assembly

The Assembly is invited to:

- (a) decide whether to amend Rule 9 of the Rules of Procedure, and
- (b) take note of the revised version of the Circular.



**INTERNATIONAL
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92FUND/Circ.X
71FUND/Circ.X
SUPPFUND/Circ.X
1 June 2007

Credentials and notification for IOPC Funds Meetings

The situation as regards both the requirements for and the form and content of credentials and notifications is considerably more complicated for meetings of the International Oil Pollution Compensation Funds (IOPC Funds)^{<1>} than for other similar organisations, such as the International Maritime Organization (IMO), as a result of the practice of holding meetings of several IOPC Funds' bodies during the same week. Whilst organisations are only required to submit notifications, most States will have to submit a combination of credentials and notifications depending on their status with respect to the bodies meeting during a particular week, as set out in the following table:

	Credentials	Notifications
1992 Fund Assembly	1992 Fund Member States	States and organisations with observer status
1992 Fund Executive Committee	Members of the 1992 Fund Executive Committee	Other 1992 Fund Member States, Other States and organisations with observer status
1992 Fund Working Groups		1992 Fund Member States, States and organisations with observer status
Supplementary Fund Assembly	Supplementary Fund Member States	Other 1992 Fund Member States, Other States and organisations with observer status
1971 Fund Administrative Council		Former 1971 Fund Member States, States and organisations with observer status

This circular gives detailed guidance in respect of the form and content of credentials and notifications, which was endorsed by the 1992 Fund Assembly at its March 2005 session and revised at its October 2006 session. The texts of model credentials contained in the Annex were also endorsed by the 1992 Fund Assembly, which noted at its March 2005 session that the model credentials were intended solely to assist Governments in the preparation of the instruments and that they were not intended, in any way, to replace the form of instruments required by laws or practices of individual States (document 92FUND/A/ES.9/28, paragraphs 24.2 and 24.3 and document 92FUND/A/ES.12/35, paragraphs 8.4 and 8.8).

At its March 2005 session, the 1992 Fund Assembly decided that a Credentials Committee should be established at each session of the Assembly to examine the credentials of 1992 Fund Member States for sessions of the Assembly and, when the Executive Committee is held in conjunction with a session of the Assembly, also for that Committee. The Assembly also decided that, should the Executive Committee hold sessions that were not in conjunction with an

^{<1>} ie the International Oil Pollution Compensation Fund 1971 (1971 Fund), the International Oil Pollution Compensation Fund 1992 (1992 Fund) and the International Oil Pollution Compensation Supplementary Fund (Supplementary Fund)

Assembly session, the Executive Committee should establish its own Credentials Committee (Rules 10 and 11 of the Rules of Procedure of the Assembly and Rule (iv) of the Rules of Procedure of the Executive Committee).

Form and content of credentials and notifications

Formal requirement as regards credentials

As provided in Rule 9 of the Rules of Procedure of the 1992 Fund Assembly and of the Rules of Procedure of the Supplementary Fund Assembly, the credentials shall be issued:

(a) by the Head of State or by the Head of Government or by the Minister of Foreign Affairs,

or

(b) by an appropriate authority as determined by the Government and communicated to the Director. If the credentials are issued by such an authority, the text should make it clear who has given the authority to issue credentials and where such authority is a person who is not a Government employee, such authorisation shall be communicated to the Director in advance of the opening day of the Assembly.

A person who is properly authorised to issue credentials is entitled to issue original credentials nominating a particular representative to participate in meetings of the IOPC Funds' governing bodies for a specific calendar year.

The credentials should be addressed to the Director of the IOPC Funds (not, as has sometimes been the case in the past, to the Secretary-General of IMO) in the form of an original signed letter or a telefax thereof. Credentials transmitted by telefax will be accepted as valid for all meeting of the governing bodies, irrespective of whether voting is taking place or not. There is no requirement for a telefax to be accompanied by an original signed letter or *Note verbale* from the State's Embassy or High Commission in London certifying the authenticity of the telefax. Should the Director have any concerns as to the authenticity of any credentials received by telefax, he will attempt to corroborate them to the extent possible and bring this to the attention of the Credentials Committee.

The credentials should be issued in one of the official languages of the IOPC Funds (English, French or Spanish) or, if in any other language, be accompanied by a certified translation into one of these languages. The certified translation:

- must bear the name, position and organisation of the person certifying the translation and be signed and dated or be stamped, dated and initialled; and
- may be provided by that Member State's Ministry for Foreign Affairs or by its diplomatic representative in London or by one of the delegates whose names were listed in the credentials or by IMO's Translation Section.

Substantive content of credentials

The credentials should indicate clearly the meeting or meetings to which they pertain. This could be done in several ways, for example:

The 10th session of the 1992 Fund Assembly, the 1st extraordinary session of the Supplementary Fund Assembly and the 30th session of the 1992 Fund Executive Committee, held from 17-21 October 2005

or

The meetings held by the bodies of the International Oil Pollution Compensation Funds during the week of 17-21 October 2005

There is no need for credentials to state that they give the person or persons mentioned therein as representative(s) or alternate(s) the right to take part in the meeting(s) and vote as such rights are considered to be implied.

At least one person must be nominated as representative. Alternate(s) may also be nominated. Persons who are only adviser(s) are not entitled to exercise the right to vote.

It is important that any changes in the composition of a delegation after the issue of the original or additional credentials (for example by the inclusion of further persons) are certified in the form of new or additional credentials, since otherwise any persons not mentioned in the credentials would not be entitled to vote.

Notifications

Notifications should indicate the meeting(s) to which they pertain and the person(s) who will represent the State or Organisation in question. As regards States, it should be signed by a Government or Embassy/High Commission official and be printed on official paper, as appropriate.

Notifications should be addressed to the Director of the IOPC Funds and should be issued in one of the official languages of the IOPC Funds (English, French or Spanish) or, if in any other language, be accompanied by a certified translation into one of these languages.

Formal credentials would be acceptable even if only notifications are required.

* * *

ANNEX

MODEL LETTER OF CREDENTIALS

Alternative 1

To be signed by the Head of State, Head of Government or Minister for Foreign Affairs

Sir,

I have the honour to inform you that I have appointed:

.....
(full name(s) and title(s))

as Representative(s) of to the.....with full
(name of State) (meetings and dates to be identified)
authority to take part in the meeting(s) and to transact all such matters as may appertain to the work of this (these)
meeting(s) in accordance with the agreed procedures.

I have also the honour to designate

.....
(full name(s) and title(s) of Alternate(s))

as Alternate Representative(s) and

.....
(full name(s) and title(s) of Adviser(s))

as Adviser(s) to compose the remainder of the delegation of
(name of State)

Please accept, Sir, the assurance of my highest consideration.

.....
(signature)

.....
(full name and title)

The Director
International Oil Pollution Compensation Funds
Portland House
Bressenden Place
London SW1E 5PN

MODEL LETTER OF CREDENTIALS

Alternative 2

To be signed by a person authorized by the Head of State, Head of Government
or Minister for Foreign Affairs to issue credentials.

Sir,

I have the honour to inform you that I have been authorized

by of
(full name and title) (name of State)

to issue credentials in respect of the Representative(s) of my Government to the
(meetings and dates to be identified)
and to designate the other members of the delegation ofto the meeting(s).
(name of State)

Acting upon this authority, I have the honour to inform you that

.....
(full name(s) and title(s))

has (have) been appointed as the Representative(s) of to the meeting(s) and is (are)
(name of State)
fully authorized to take part in the meeting(s) and to transact all such matters as may appertain to the work of this
(these) meeting(s) in accordance with agreed procedures.

I have also the honour to designate

.....
(full name(s) and title(s) of Alternate(s))

as Alternate Representative(s) and

.....
(full name(s) and title(s) of Adviser(s))

as Adviser(s) to compose the remainder of the delegation of
(name of State)

Please accept, Sir, the assurance of my highest consideration.

.....
(signature)

.....
(full name and title)

The Director
International Oil Pollution Compensation Funds
Portland House
Bressenden Place
London SW1E 5PN

* * *



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92FUND/Circ.??
71FUND/Circ.??
SUPPFUND/Circ.?
1 June 2007

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The credentials should be addressed to the Director of the IOPC Funds (not, as has sometimes been the case in the past, to the Secretary-General of IMO) in the form of an original signed letter or a telefax thereof. Credentials transmitted by telefax will be accepted as valid for all meeting of the governing bodies, irrespective of whether voting is taking place or not. There is no requirement for a telefax to be accompanied by an original signed letter or *Note verbale* from the State's Embassy or High Commission in London certifying the authenticity of the telefax. Should the Director have any concerns as to the authenticity of any credentials received by telefax, he will attempt to corroborate them to the extent possible and bring this to the attention of the Credentials Committee.

The credentials should be issued in one of the official languages of the IOPC Funds (English, French or Spanish) or, if in any other language, be accompanied by a certified translation into one of these languages. The certified translation:

- must bear the name, position and organisation of the person certifying the translation and be signed and dated or be stamped, dated and initialled; and
- may be provided by that Member State's Ministry for Foreign Affairs or by its diplomatic representative in London or by one of the delegates whose names were listed in the credentials or by IMO's Translation Section.

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The credentials should indicate clearly the meeting or meetings to which they pertain. This could be done in several ways, for example:

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or

The meetings held by the bodies of the International Oil Pollution Compensation Funds during the week of 17-21 October 2005

There is no need for credentials to state that they give the person or persons mentioned therein as representative(s) or alternate(s) the right to take part in the meeting(s) and vote as such rights are considered to be implied.

At least one person must be nominated as representative. Alternate(s) may also be nominated. Persons who are only adviser(s) are not entitled to exercise the right to vote.

It is important that any changes in the composition of a delegation after the issue of the original or additional credentials (for example by the inclusion of further persons) are certified in the form of new or additional credentials, since otherwise any persons not mentioned in the credentials would not be entitled to vote.

Notifications

Notifications should indicate the meeting(s) to which they pertain and the person(s) who will represent the State or Organisation in question. As regards States, it should be signed by a Government or Embassy/High Commission official and be printed on official paper, as appropriate.

Notifications should be addressed to the Director of the IOPC Funds and should be issued in one of the official languages of the IOPC Funds (English, French or Spanish) or, if in any other language, be accompanied by a certified translation into one of these languages.

Formal credentials would be acceptable even if only notifications are required.

* * *

ANNEX

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Alternative 1

To be signed by the Head of State, Head of Government or Minister for Foreign Affairs

Sir,

I have the honour to inform you that I have appointed:

.....
(full name(s) and title(s))

as Representative(s) of to the.....with full
(name of State) (meetings and dates to be identified)
authority to take part in the meeting(s) and to transact all such matters as may appertain to the work of this (these)
meeting(s) in accordance with the agreed procedures.

I have also the honour to designate

.....
(full name(s) and title(s) of Alternate(s))

as Alternate Representative(s) and

.....
(full name(s) and title(s) of Adviser(s))

as Adviser(s) to compose the remainder of the delegation of
(name of State)

Please accept, Sir, the assurance of my highest consideration.

.....
(signature)

.....
(full name and title)

The Director
International Oil Pollution Compensation Funds
Portland House
Bressenden Place
London SW1E 5PN

MODEL LETTER OF CREDENTIALS

Alternative 2

To be signed by a person authorized by the Head of State, Head of Government
or Minister for Foreign Affairs to issue credentials.

Sir,

I have the honour to inform you that I have been authorized

by of
(full name and title) (name of State)

to issue credentials in respect of the Representative(s) of my Government to the
(meetings and dates to be identified)
and to designate the other members of the delegation ofto the meeting(s).
(name of State)

Acting upon this authority, I have the honour to inform you that

.....
(full name(s) and title(s))

has (have) been appointed as the Representative(s) of to the meeting(s) and is (are)
(name of State)
fully authorized to take part in the meeting(s) and to transact all such matters as may appertain to the work of this
(these) meeting(s) in accordance with agreed procedures.

I have also the honour to designate

.....
(full name(s) and title(s) of Alternate(s))

as Alternate Representative(s) and

.....
(full name(s) and title(s) of Adviser(s))

as Adviser(s) to compose the remainder of the delegation of
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Please accept, Sir, the assurance of my highest consideration.

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(signature)

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