

	<b>Agenda item: 1</b>		IOPC/MAR11/1/2/2
	Original: ENGLISH		14 February 2011
	1992 Fund Assembly	<b>92AES15</b>	•
	1992 Fund Executive Committee	<b>92EC51</b>	•
	Supplementary Fund Assembly	<b>SAES4</b>	•
	1971 Fund Administrative Council	<b>71AC26</b>	
	1992 Fund Working Group	<b>92WG6/2</b>	

## EXAMINATION OF CREDENTIALS

### PROPOSAL FOR CHANGE TO FORMAL REQUIREMENTS

#### Note by the Director

<b>Summary:</b>	<p>At the October 2010 sessions of the governing bodies, the Credentials Committee suggested in its report that the 1992 Fund Assembly might wish to review its current policy on credentials with respect to the national authorities which are authorised to issue credentials for participation in sessions of the IOPC Funds' governing bodies.</p> <p>In this document the Director sets out how he has acted upon that instruction and presents his findings and recommendations.</p>
<b>Action to be taken:</b>	<p><u>1992 Fund Assembly and Supplementary Fund Assembly:</u></p> <ul style="list-style-type: none"> <li>(a) Decide whether to accept the Director's proposal for a change to the formal requirements as regards the validity of credentials, as set out in paragraph 2.7.</li> <li>(b) If the amendment is accepted, make the appropriate amendment to Rule 9 of the Rules of Procedure of the 1992 Fund Assembly and Supplementary Fund Assembly.</li> </ul> <p><u>1992 Fund Executive Committee:</u></p> <p>To take note of the decision of the 1992 Fund Assembly and Supplementary Fund Assembly in respect of this item.</p>

## 1 Introduction

- 1.1 The governing bodies will recall that at their October 2010 sessions the Credentials Committee had drawn the attention of the governing bodies to what was, in the view of the Credentials Committee, the disproportionate time that was spent by both the IOPC Funds' Secretariat and the Credentials Committee in attempting to rectify irregularities in credentials received and in pursuing missing credentials (document IOPC/OCT10/1/2/1, paragraph 2.6). The Credentials Committee suggested, therefore, that the 1992 Fund Assembly might wish to consider reviewing its current policy in respect of the formal requirements for credentials whereby, 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 **only** be issued:

- (a) by the Head of State, 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.

- 1.2 The governing bodies instructed the Director to review the current policy on credentials with respect to the national authorities which were authorised to issue credentials for participation in sessions of the IOPC Funds' governing bodies (document IOPC/OCT10/11/1, paragraph 1.3.8).

## **2 Consideration by the Director**

- 2.1 One of the main problems identified by the Credentials Committee, not only in October 2010 but on other occasions, was that credentials were often issued by the Ambassador or High Commissioner, acting in his/her own right and not stating from whom the authority had come. This was not in conformity with the IOPC Funds' current policy with respect to the form and content of credentials and had led to the Secretariat having to ask the representatives of the respective Member State to arrange for new credentials to be re-issued, often during the meeting week itself.
- 2.2 The Director has considered this issue and has also, for comparison, consulted the International Maritime Organization (IMO) and the United Nations Educational, Scientific and Cultural Organization (UNESCO) as well as various London-based intergovernmental organisations to ascertain their positions with respect to the national authorities which are authorised to issue credentials for participation in meetings of their respective organisations. The results of these enquiries are in the table in the Annex.
- 2.3 From the responses received, it has been noted that only the IMO and UNESCO follow the United Nations (UN) policy on credentials and require that credentials be issued by the Head of State, the Head of Government or by the Minister of Foreign Affairs and only by the Ambassador/High Commissioner if the credentials state that they are issuing credentials under instructions or under the authority or on behalf of the designated authority.
- 2.4 The other intergovernmental organisations which have been consulted (Commonwealth Secretariat, International Cocoa Organization, International Coffee Organization, International Mobile Satellite Organization, International Sugar Organization and the North-East Atlantic Fisheries Commission) follow more flexible policies and allow credentials to be issued not only by Ministers or relevant Ministries but also by Ambassadors or High Commissioners.
- 2.5 In addition, the International Coffee Organization also allows the Diplomatic Mission of the Member country where a meeting takes place to issue credentials. In the Director's view this could be a useful option when sessions of the IOPC Funds' governing bodies are held outside London.
- 2.6 As the IOPC Funds are not UN bodies, the Director is of the view that there is room for flexibility within the arrangements for credentials for participation in sessions of the IOPC Funds' governing bodies.
- 2.7 The Director recommends, therefore, that the governing bodies adopt an amendment to the formal requirements as regards credentials to allow for credentials to be issued by the Ambassador or High Commissioner who is either accredited to the country where the Headquarters of the Organisation is located or where a session takes place providing that this is within the remit of the Ambassador or High Commissioner concerned. He proposes the following text for the consideration of the governing bodies (new text underlined):

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, the Head of Government, the Minister of Foreign Affairs or the Ambassador or High Commissioner either accredited to the country where the Headquarters of the Organisation is located or where a session takes place

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.

2.8 If the Director's proposal for a change is approved by the 1992 Fund Assembly and the Supplementary Fund Assembly, a corresponding amendment will need to be made to Rule 9 of the Rules of Procedure of the 1992 Fund Assembly and of the Rules of Procedure of the Supplementary Fund Assembly.

### **3 Action to be taken**

#### **3.1 1992 Fund Assembly**

The 1992 Fund Assembly is invited:

- (a) to consider the Director's proposal, as set out in paragraph 2.7, to amend the formal requirements as regards credentials to allow for the receipt of credentials as set out above; and
- (b) if the amendment is accepted, to make the appropriate amendment to Rule 9 of the Rules of Procedure of the 1992 Fund Assembly.

#### **3.2 Supplementary Fund Assembly**

The Supplementary Fund Assembly is invited:

- (a) to take note of the decision of the 1992 Fund Assembly in respect of this item; and
- (b) if the amendment is accepted, to make the appropriate amendment to Rule 9 of the Rules of Procedure of the Supplementary Fund Assembly.

#### **3.3 1992 Fund Executive Committee**

The 1992 Fund Executive Committee is invited to take note of the decision of the 1992 Fund Assembly in respect of this item.

\* \* \*

## Annex

<u>Organisation</u>	<u>Persons/bodies authorised to issue credentials</u>	<u>Comments</u>
International Maritime Organization (IMO)	<ul style="list-style-type: none"> <li>• Head of State</li> <li>• Head of Government</li> <li>• Minister of Foreign Affairs</li> <li>• Ambassador/High Commissioner/ Permanent Representative or a different Minister if the credentials state that they are issuing credentials under instructions or under the authority or on behalf of the designated authority.</li> </ul>	If the credentials do not state that the Ambassador/ High Commissioner/ Permanent Representative or a different Minister is acting under the instructions of the Head of State, Head of Government or the Minister of Foreign Affairs, the credentials are provisionally accepted. This allows the delegation to fully participate in the meeting (including voting), unless there is objection by the meeting, when considering the report of the Credentials Committee. IMO expects to receive the credentials in the correct form after the meeting.
United Nations Educational, Scientific and Cultural Organization (UNESCO)	<ul style="list-style-type: none"> <li>• Minister of Foreign Affairs only.</li> </ul>	Credentials are accepted on a provisional basis from other Ministers, Heads of Diplomatic Missions, Permanent Delegates to UNESCO, high-ranking government officials on the understanding that the correct credentials are submitted later.
Commonwealth Secretariat	No credentials as such. Lists of participants are sent by Ministries to the Commonwealth and copied to the High Commissions or via their High Commissions to the Commonwealth Secretariat.	
International Cocoa Organization	<ul style="list-style-type: none"> <li>• Minister of the Government</li> <li>• Ministry of Foreign Affairs</li> <li>• Diplomatic Mission of the Member concerned, either accredited to the country where the Headquarters of the Organization is located or where a session takes place.</li> </ul>	Minister of Foreign Affairs may delegate the right of accreditation to any other Governmental authority of that country in which case the Ministry of Foreign Affairs shall inform the Executive Director in writing of the name of that authority.
International Coffee Organization	<ul style="list-style-type: none"> <li>• Relevant Ministry or governmental agency of a Member country</li> <li>• Representative of the Diplomatic Mission of the Member country concerned either in the country where the seat of the Organization is located or with responsibility for representing the Ministry in that country, or where a session takes place.</li> </ul>	
International Mobile Satellite Organization	<ul style="list-style-type: none"> <li>• Signed by or on behalf of the Head of State, Prime Minister, Minister/ Secretary of Foreign Affairs (or equivalent Ministry) or Ambassador/ High Commissioner.</li> </ul>	
International Sugar Organization	Letter on Embassy or High Commission headed paper providing names of the participants is all that is required.	
North-East Atlantic Fisheries Commission	No credentials – Contracting Parties inform the NEAFC Secretariat who will be attending.	