



**INTERNATIONAL
OIL POLLUTION
COMPENSATION
FUNDS**

92FUND/Circ.49
71FUND/Circ.86
SUPPFUND/Circ.3
6 June 2005

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 |

In October 2005, the 1992 Fund Assembly will elect the next Director as well as members of the Audit Body. According to Rules 37 and 54 of the Rules of Procedure of the Assembly, these elections will be held by secret ballot.

It is therefore essential that all credentials are in order before the ballots are carried out. A delegation whose credentials are not in order at the time of the ballot will not be eligible to vote.

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. The texts of model credentials contained in the Annex were also endorsed by the 1992 Fund Assembly, which noted 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).

^{<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)

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 Assembly session, the Executive Committee should establish its own Credentials Committee.

The first such Credentials Committee will be appointed at the beginning of the 29th session of the 1992 Fund Executive Committee on 27 June 2005 (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.

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.

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.

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.

The credentials should 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.

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), to transact all such matters as may appertain to the work of this (these)
meeting(s) and to vote with the other Representatives 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
Stag 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), to transact all such matters as may appertain to the work of this (these)
meeting(s) and to vote with the other Representatives 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
Stag Place
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