



International Oil Pollution
Compensation Funds

Agenda Item 1	IOPC/MAR21/1/2/2	
Date	30 March 2021	
Original	English	
1992 Fund Assembly	92AES24	●
1992 Fund Executive Committee	92EC75	●
Supplementary Fund Assembly	SAES8	●

EXAMINATION OF CREDENTIALS

Report of the Credentials Committee

Summary:	The Credentials Committee has examined the credentials of delegations of 1992 Fund Member States, including States members of the 1992 Fund Executive Committee and of the Supplementary Fund, and submits the following report.
Action to be taken:	<u>1992 Fund Assembly, 1992 Fund Executive Committee and Supplementary Fund Assembly</u> Information to be noted.

1 Introduction

- 1.1 In accordance with Rule 10 of the Rules of Procedure of the 1992 Fund Assembly and of the Supplementary Fund Assembly and Rule 9 of the Rules of Procedure of the 1992 Fund Executive Committee, the 1992 Fund Assembly appointed a Credentials Committee consisting of the following five members and their representatives:

Germany (Mr Volker Schöefisch)
Japan (Mr Yuji Okugawa)
Malaysia (Mr Kanagalingam Selvarasah)
Mexico (Ms Aideé Saucedo)
Russian Federation (Mr Yury Melenas)

- 1.2 The Committee met remotely on 29 March 2021 under the chairmanship of Mr Kanagalingam Selvarasah.

2 Examination of credentials

- 2.1 The credentials of delegations of 73 Member States of the 1992 Fund, including States members of the 1992 Fund Executive Committee and of the Supplementary Fund, were examined.
- 2.2 The Committee based its deliberations on Rules 9 and 11 of the Rules of Procedure of the 1992 Fund Assembly and on the guidelines given in circular IOPC/2015/Circ.4.
- 2.3 Credentials received in respect of the following Member States were found to be in order:

1992 Fund Executive Committee

Canada	Italy	Netherlands
Ecuador	Liberia	Philippines
Germany	Malaysia	Republic of Korea
Ghana	Marshall Islands	Spain
India	Morocco	Thailand

Other 1992 Fund Member States

Algeria	Finland	Panama
Angola	France	Poland
Antigua and Barbuda	Georgia	Portugal
Argentina	Greece	Russian Federation
Australia	Guyana	Saint Kitts and Nevis
Bahamas	Iran (Islamic Republic of)	Saint Vincent and the Grenadines
Belgium	Israel	Singapore
Brunei Darussalam	Jamaica	South Africa
Bulgaria	Japan	Sri Lanka
Cambodia	Latvia	Sweden
Cameroon	Luxembourg	Trinidad and Tobago
China ^{<1>}	Madagascar	Turkey
Colombia	Malta	United Arab Emirates
Cook Islands	Mexico	United Kingdom
Côte d'Ivoire	Mozambique	Uruguay
Croatia	New Zealand	Vanuatu
Cyprus	Nicaragua	Venezuela (Bolivarian Republic of)
Denmark	Nigeria	
Dominica	Norway	
Estonia	Palau	

- 2.4 At the time of preparing this report, the Credentials Committee noted that Saint Vincent and the Grenadines and South Africa had presented credentials but had not participated in the sessions.
- 2.5 In the case of Qatar, the Credentials Committee noted that the credentials were found not to be in order. It is expected that they will be amended shortly after the sessions.
- 2.6 In the case of Bahrain and Tunisia, the Credentials Committee noted that credentials had not yet been submitted. The Committee expects that this will be rectified by the delegations shortly after the sessions.
- 2.7 The following 1992 Fund Member States did not present credentials and did not participate in the 24th extraordinary session of the 1992 Fund Assembly, the 75th session of the 1992 Fund Executive Committee or the 8th extraordinary session of the Supplementary Fund Assembly:

<1> The 1992 Fund Convention applies to the Hong Kong Special Administrative Region only as did the 1971 Fund Convention previously.

Albania	Iceland	Saint Lucia
Barbados	Ireland	Samoa
Belize	Kenya	Senegal
Benin	Kiribati	Serbia
Cabo Verde	Lithuania	Seychelles
Comoros	Maldives	Sierra Leone
Congo (the)	Mauritania	Slovakia
Djibouti	Mauritius	Slovenia
Dominican Republic	Monaco	Switzerland
Fiji	Montenegro	Syrian Arab Republic
Gabon	Namibia	Tonga
Gambia (the)	Nauru	Tuvalu
Grenada	Niue	United Republic of Tanzania
Guinea	Oman	
Hungary	Papua New Guinea	

3 Credentials of the Bolivarian Republic of Venezuela

Considerations at previous sessions of the governing bodies

October 2019 sessions of the governing bodies

- 3.1 In October 2019, the Director received two letters of credentials for two separate delegations claiming to represent Venezuela – one signed by H.E. Mrs Rocío Maneiro (Ambassador, Permanent Representative to the International Maritime Organization (IMO) and other international organisations headquartered in London, appointed by President Nicolas Maduro); and the other one signed by President Juan Guaidó (President of the National Assembly, and President (E) of Venezuela).
- 3.2 Given the complexity of the issue, the Director had invited Dr Rosalie Balkin AO, former Assistant Secretary General and Director of Legal Affairs and External Relations Division of IMO, to provide assistance to the Credentials Committee during its deliberations. He had also requested the advice of Professor Dan Sarooshi Q.C., the 1992 Fund's legal counsel in public international law.
- 3.3 The Credentials Committee recommended that the *status quo* should continue and that the letter of credentials issued by Ambassador Maneiro should be accepted as the official representatives for the October 2019 sessions of the governing bodies. The Credentials Committee noted, however, that this position was applicable to that meeting only and it could be susceptible to change in the coming months depending on future developments. This recommendation was accepted by the 1992 Fund Assembly and the Assembly's decision was noted by the 1992 Fund Executive Committee and Supplementary Fund Assembly (see document IOPC/OCT19/1/2/1).

December 2020 sessions of the governing bodies

- 3.4 At the time of the December 2020 sessions of the governing bodies, again the Director received letters of credentials from two delegations claiming to represent Venezuela. The Director sought the advice of Dr Rosalie Balkin AO and requested Professor Antonios Tzanakopoulos, Associate Professor of Public International Law of the Faculty of Law in the University of Oxford, to provide a legal opinion on this matter.
- 3.5 The Credentials Committee recommended again that the *status quo* should continue and that the letter of credentials issued by Ambassador Maneiro should be accepted at that meeting as the official representatives for the December 2020 sessions of the governing bodies. This recommendation was accepted by the 1992 Fund Assembly (see document IOPC/NOV20/1/2/1).

March 2021 sessions of the governing bodies

- 3.6 The same situation occurred at the March 2021 sessions of the governing bodies, in that the Director received letters of credentials from the same two delegations claiming to represent Venezuela. The Director invited Dr Rosalie Balkin AO to advise the Credentials Committee and requested Professor Antonios Tzanakopoulos to provide an updated legal opinion on this matter.
- 3.7 The Credentials Committee reviewed the new legal opinion provided by Professor Tzanakopoulos. It was noted that since the last meeting of the IOPC Funds' governing bodies in December 2020, the United Nations General Assembly (UNGA), had continued to maintain the *status quo* regarding the credentials presented by the Maduro Government. On 1 December 2020, UNGA decided to accept the credentials submitted by the Maduro representative on behalf of the Bolivarian Republic of Venezuela.
- 3.8 The Credentials Committee was unanimous in its view that it is not the function of the IOPC Funds to decide which is the legitimate government of Venezuela, since it considered that to be a political question to be decided in another forum, namely the political organs of the United Nations (UNGA and the UN Security Council). The Committee concluded that the role of the Credentials Committee and the 1992 Fund Assembly is simply to decide which of the two representatives should be accredited as the official representative of Venezuela at these particular sessions of the Funds' governing bodies and make its recommendation to the 1992 Fund Assembly.
- 3.9 In considering this matter and the legal advice provided by Professor Tzanakopoulos on 24 March 2021, the Credentials Committee recommended that the *status quo* should continue and that the letter of credentials of the current delegation of Venezuela issued by Ambassador Maneiro, appointed by President Maduro, should be accepted and that the named individuals therein be deemed the official representatives for the March 2021 sessions of the governing bodies. The Committee also noted, however, that this position was applicable to this meeting only and it could be susceptible to change in the coming months depending on future developments.
- 3.10 The Chair of the Credentials Committee presented the interim report of the Committee at 12.05 pm on 30 March 2021. The 1992 Fund Assembly took note of the report and decided to accredit the delegation headed by Ambassador Maneiro as the representatives of Venezuela at these sessions of the governing bodies of the IOPC Funds.
- 3.11 The Supplementary Fund Assembly noted the decision of the 1992 Fund Assembly as set out in paragraph 3.10 above.

4 Action to be taken

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

The 1992 Fund Assembly, 1992 Fund Executive Committee and Supplementary Fund Assembly are invited to take note of the information.
