



International Oil Pollution
Compensation Funds

Agenda Item 1	IOPC/NOV21/1/2/4	
Date	5 November 2021	
Original	English	
1992 Fund Assembly	92A26	●
1992 Fund Executive Committee	92EC77	●
Supplementary Fund Assembly	SA18	●

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:

Malaysia (Mr Mohd Fairoz Rozali)
Nigeria (Mr Abdulmumuni Dirisu)
Panama (Mr Rafael Lopez)
Russian Federation (Mr Yury Melenas)
Turkey (Mr Mehmet Hanifi Güler)

- 1.2 The Credentials Committee met remotely on 1, 2, 3, 4 and 5 November 2021 under the chairship of Mr Yury Melenas. The Chair of the Credentials Committee, Mr Yury Melenas, presented interim reports of credentials on 2, 3, and 4 November 2021 (IOPC/NOV21/1/2/1, IOPC/NOV21/1/2/2 and IOPC/NOV21/1/2/3).

2 Examination of credentials

- 2.1 The credentials of delegations of 85 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	Greece	Palau
Angola	Guyana	Panama
Antigua and Barbuda	Iceland	Poland
Argentina	Iran (Islamic Republic of)	Portugal
Australia	Ireland	Qatar
Bahamas	Israel	Russian Federation
Belgium	Jamaica	Saint Kitts and Nevis
Brunei Darussalam	Japan	Senegal
Bulgaria	Kenya	Serbia
Cambodia	Latvia	Singapore
Cameroon	Lithuania	South Africa
China ^{<1>}	Luxembourg	Sri Lanka
Colombia	Madagascar	Sweden
Cook Islands	Malta	Switzerland
Côte d'Ivoire	Mauritius	Trinidad and Tobago
Croatia	Mauritania	Tunisia
Cyprus	Mexico	Turkey
Denmark	Monaco	United Arab Emirates
Dominica	Montenegro	United Kingdom
Estonia	New Zealand	Uruguay
Fiji	Nicaragua	Vanuatu
Finland	Nigeria	Venezuela (Bolivarian Republic of)
France	Norway	
Georgia	Oman	

2.4 At the time of preparing this report, the Credentials Committee noted that Mauritania and Montenegro had presented credentials but had not participated in the sessions.

^{<1>} The 1992 Fund Convention applies to the Hong Kong Special Administrative Region only.

2.5 The following 1992 Fund Member States did not present credentials and did not participate in the 26th session of the 1992 Fund Assembly, the 77th session of the 1992 Fund Executive Committee or the 18th session of the Supplementary Fund Assembly:

Albania	Gambia	Samoa
Bahrain	Grenada	Seychelles
Barbados	Hungary	Sierra Leone
Belize	Kiribati	Slovakia
Benin	Maldives	Slovenia
Cabo Verde	Namibia	Syrian Arab Republic
Comoros	Nauru	Tonga
Congo	Niue	Tuvalu
Djibouti	Saint Lucia	United Republic of
Dominican Republic	Saint Vincent and the	Tanzania
Gabon	Grenadines	

2.6 In the case of Guinea, Mozambique and Papua New Guinea, 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 Credentials Committee would like to encourage Member States to submit their credentials in a timely manner and follow closely the detailed guidance contained in circular IOPC/2015/Circ.4 regarding their form and content.

2.8 .

3 Credentials of the Bolivarian Republic of Venezuela

Considerations at previous sessions of the governing bodies

3.1 At the meetings of the governing bodies held in October 2019, December 2020 and March 2021, the Credentials Committee received two letters of credentials for two separate delegations claiming to represent Venezuela: one signed by H.E. Mrs Rocío Maneiro and the other signed by President Juan Guaidó^{<2>}. Given the complexity of the issue, the Director invited Dr Rosalie Balkin AO, former Assistant Secretary-General and Director of Legal Affairs and External Relations Division of IMO, to assist the Credentials Committee during its deliberations for each of these meetings. The Director also requested the advice of Professor Dan Sarooshi Q.C. (in October 2019) and Professor Antonios Tzanakopoulos (in December 2020 and March 2021), who provided legal opinions on this matter^{<3>}.

3.2 In all three meetings, the Credentials Committee recommended to the 1992 Fund Assembly that the individuals listed in the credentials letters issued by Ambassador Maneiro should be accepted as the official representatives of Venezuela (see documents IOPC/OCT19/1/2/1, IOPC/NOV20/1/2/1 and IOPC/MAR21/1/2/1). The 1992 Fund Assembly accepted these recommendations, and the Assembly's decisions were noted by the 1992 Fund Executive Committee and Supplementary Fund Assembly.

^{<2>} H.E. Mrs Rocío Maneiro is the Ambassador, Permanent Representative to the International Maritime Organization (IMO) and other international organisations headquartered in London, appointed by President Nicolas Maduro; and President Juan Guaidó is the President of the National Assembly, and President (E) of Venezuela.

^{<3>} Professor Dan Sarooshi Q.C. is the 1992 Fund's legal counsel in public international law and Professor Antonios Tzanakopoulos is an Associate Professor of Public International Law of the Faculty of Law in the University of Oxford.

November 2021 sessions of the governing bodies

- 3.3 The same situation occurred at the November 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 requested Professor Antonios Tzanakopoulos to provide an updated legal opinion on this matter which is attached at the Annex to document IOPC/NOV21/1/2/1.
- 3.4 As in the previous meetings, 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 this is considered to be a political question to be decided in another forum, namely the political organs of the United Nations (UN) (i.e., the UN General Assembly and the UN Security Council). The Credentials Committee considers that its role is simply to decide which of the two delegations should be accredited as the official representatives of Venezuela at each meeting of the Funds' governing bodies and make its recommendation to the 1992 Fund Assembly.
- 3.5 In considering this matter and the legal advice provided by Professor Tzanakopoulos on 25 October 2021, the Credentials Committee recommends once again 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 November 2021 meeting of the governing bodies. However, the Committee also notes that this position applies to this meeting only and could be susceptible to change in the coming months depending on future developments.
- 3.6 The Chair of the Credentials Committee presented the first interim report of the Committee at 11.00 am on 2 November 2021 (IOPC/NOV21/1/2/1). 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.
- 3.7 The Supplementary Fund Assembly noted the decision of the 1992 Fund Assembly as set out in paragraph 3.6 above.
- 3.8 The Credentials Committee presents this report in accordance with Rule 10 of the Rules of Procedure of the 1992 Fund Assembly, of the 1992 Fund Executive Committee and of the Supplementary Fund Assembly.

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.
