



International Oil Pollution  
Compensation Funds

Agenda Item 1	IOPC/OCT22/1/2/2	
Date	28 October 2022	
Original	English	
1992 Fund Administrative Council	92AC22/92A27	●
1992 Fund Executive Committee	92EC79	●
Supplementary Fund Assembly	SA19	●

## EXAMINATION OF CREDENTIALS

### REPORT OF THE CREDENTIALS COMMITTEE

#### Note by the Credentials Committee

<b>Summary:</b>	The Credentials Committee has examined the credentials of delegations of 1992 Fund Member States, including States members of the 1992 Fund Executive Committee and Member States of the Supplementary Fund, and submits the following report.
<b>Action to be taken:</b>	<u>1992 Fund Administrative Council<sup>&lt;1&gt;</sup>, 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 Administrative Council appointed a Credentials Committee consisting of the following five members and their representatives:

Algeria (Mr Mohamed Khelifi)  
Nigeria (Mr Abdulmumuni Dirisu)  
Panama (Ms Jacqueline Da Luz)  
Poland (Ms Małgorzata Buszyńska)  
Thailand (Mr Watchara Chiemanukulkit)

- 1.2 The Credentials Committee met in person on 25 October 2022 under the chairship of Mr Watchara Chiemanukulkit.
- 1.3 The Credentials Committee presents this report in accordance with Rule 10 of the Rules of Procedure of the 1992 Fund Assembly.

#### 2 Examination of credentials

- 2.1 The credentials of delegations of 65 Member States of the 1992 Fund, including States members of the 1992 Fund Executive Committee and of the Supplementary Fund, were examined and found to be in order.

<sup><1></sup> From this point forward, references to the '1992 Fund Administrative Council' should be taken to read the '1992 Fund Administrative Council, acting on behalf of the 1992 Fund Assembly'.

- 2.2 The Credentials 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 Members**

Ecuador	Japan	Netherlands
France	Liberia	Philippines
Germany	Malaysia	Singapore
Italy	Marshall Islands	Spain
Jamaica	Morocco	

**Other 1992 Fund Member States**

Algeria	Finland	Qatar
Angola	Georgia	Republic of Korea
Antigua and Barbuda	Ghana	Russian Federation
Argentina	Greece	Saint Kitts and Nevis
Australia	Ireland	San Marino
Bahamas	Kenya	South Africa
Belgium	Latvia	Sri Lanka
Brunei Darussalam	Malta	Sweden
Bulgaria	Mexico	Switzerland
Cameroon	Montenegro	Thailand
Canada	Mozambique	Trinidad and Tobago
China <sup>&lt;2&gt;</sup>	Namibia	Tunisia
Colombia	Nigeria	Turkiye
Congo	Norway	United Arab Emirates
Croatia	Panama	United Kingdom
Cyprus	Poland	Uruguay
Denmark	Portugal	Venezuela (Bolivarian Republic of)

- 2.4 At the time of preparing this report, the Credentials Committee noted that Congo, Montenegro, Qatar and Switzerland had presented credentials but had not participated in the sessions.
- 2.5 The following 1992 Fund Member States did not present credentials and did not participate in the 22nd session of the 1992 Fund Administrative Council, the 79th session of the 1992 Fund Executive Committee or the 19th session of the Supplementary Fund Assembly:

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<2> The 1992 Fund Convention applies to the Hong Kong Special Administrative Region only.

Albania	Guinea	Palau
Bahrain	Guyana	Papua New Guinea
Barbados	Hungary	Saint Lucia
Belize	Iceland	Saint Vincent and the Grenadines
Benin	India	Samoa
Cabo Verde	Iran (Islamic Republic of)	Senegal
Cambodia	Israel	Serbia
Comoros	Kiribati	Seychelles
Cook Islands	Lithuania	Sierra Leone
Costa Rica	Luxembourg	Slovakia
Côte d'Ivoire	Madagascar	Slovenia
Djibouti	Maldives	Syrian Arab Republic
Dominica	Mauritania	Tonga
Dominican Republic	Mauritius	Tuvalu
Estonia	Monaco	United Republic of Tanzania
Fiji	Nauru	Vanuatu
Gabon	New Zealand	
Gambia	Nicaragua	
Grenada	Niue	

- 2.6 In the case of Oman, the Credentials Committee noted that credentials had not yet been submitted. The Credentials Committee expects that this will be rectified by the delegation shortly after the session.
- 2.7 The Credentials Committee would like to encourage Member States to submit their credentials in a timely manner and to follow the guidelines provided in IOPC/2015/Circ.4 regarding their form and content.

### **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, March 2021, November 2021 and March 2022, the Credentials Committee examined 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<sup><4></sup>.
- 3.2 In all five 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. The 1992 Fund Assembly accepted these recommendations, and the Assembly's decisions were noted by the 1992 Fund Executive Committee and Supplementary Fund Assembly (documents IOPC/OCT19/1/2/1, IOPC/NOV20/1/2/1, IOPC/MAR21/1/2/1, IOPC/NOV21/1/2/4 and IOPC/MAR22/1/2/1).

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<4> 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.

*October 2022 sessions of the governing bodies*

- 3.3 At the October 2022 sessions of the governing bodies, 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.
- 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 concluded that the role of the Credentials Committee and the 1992 Fund Assembly is simply to decide which of the two delegations should be accredited as the official representative of Venezuela at each meeting of the Funds' governing bodies.
- 3.5 In considering this matter and the legal advice provided by Professor Tzanakopoulos on 24 October 2022, the Credentials Committee recommended once again that the *status quo* should continue. The Credentials Committee thus recommended 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 October 2022 meeting of the governing bodies. However, the Committee also noted that this position applied 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 interim report of the Credentials Committee at 9:30 am on Wednesday, 26 October (IOPC/OCT22/1/2/1). The 1992 Fund Administrative Council took note of the interim report of the Credentials Committee and decided to accredit the delegation headed by H.E. Mrs Rocío Maneiro (Ambassador, Permanent Representative to IMO and other international organisations headquartered in London, appointed by President Nicolas Maduro) as the official representative 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 Administrative Council as set out in paragraph 3.6 above.

**4 Action to be taken**

- 4.1 1992 Fund Administrative Council, the 1992 Fund Executive Committee and the Supplementary Fund Assembly

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

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