



International Oil Pollution
Compensation Funds

Agenda Item 1	IOPC/APR24/1/2/2	
Date	30 April 2024	
Original	English	
1992 Fund Administrative Council	92AC24/92AES28	●
1992 Fund Executive Committee	92EC82	●
Supplementary Fund Assembly	SAES12	●

EXAMINATION OF CREDENTIALS

REPORT OF THE CREDENTIALS COMMITTEE

Note by 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 Member States of the Supplementary Fund, and submits the following report.
Action to be taken:	<u>1992 Fund Administrative Council^{<1>}, 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 Salem Boubaker)
Ecuador (Captain Julio Mindiola)
Portugal (Mr Carlos Sequeira)
United Kingdom (Mr Shaun Rogers)
Uruguay (Captain Frederick Fontanot)

- 1.2 The Credentials Committee met in person on 29 April 2024 under the chairship of Mr Carlos Sequeira.
- 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 50 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 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/2023/Circ.6](#).

^{<1>} 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'.

2.3 Credentials received in respect of the following 48 Member States were found to be in order:

1992 Fund Executive Committee Members

Algeria	Italy	Spain
Canada	New Zealand	Thailand
Cyprus	Poland	United Kingdom
Denmark	Republic of Korea	

Other 1992 Fund Member States

Angola	Ghana	Philippines
Antigua and Barbuda	Greece	Portugal
Argentina	Japan	Russian Federation
Belgium	Latvia	San Marino
Bulgaria	Luxembourg	Singapore
China ^{<2>}	Madagascar	Sweden
Cook Islands	Malta	Trinidad and Tobago
Dominican Republic	Mexico	Türkiye
Ecuador	Netherlands	United Arab Emirates
Finland	Nigeria	Uruguay
France	Norway	Venezuela (Bolivarian Republic of)
Georgia	Oman	
Germany	Panama	

- 2.4 At the time of preparing this report, the Credentials Committee noted that the credentials submitted by one Member State were not in order and had not yet been rectified. The Credentials Committee also noted that further clarifications were pending in relation to the credentials submitted by another Member State. The situation regarding the credentials of these two Member States was reported in the Interim Report of the Credentials Committee presented at the sessions of the governing bodies on Tuesday, 30 April.
- 2.5 At the time of preparing this report, the Credentials Committee noted that one more Member State had submitted credentials after the deadline, bringing the number of credentials presented after the deadline to 13. These credentials were not accepted for examination.
- 2.6 The following 1992 Fund Member States did not present credentials for the 24th session of the 1992 Fund Administrative Council, the 82nd session of the 1992 Fund Executive Committee or the 12th extraordinary session of the Supplementary Fund Assembly:

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

Albania	Guinea-Bissau	Papua New Guinea
Bahrain	Guyana	Saint Kitts and Nevis
Barbados	Hungary	Saint Lucia
Belize	Iceland	Saint Vincent and the
Benin	Iran (Islamic Republic of)	Grenadines
Brunei Darussalam	Ireland	Samoa
Cabo Verde	Israel	Senegal
Cambodia	Jamaica	Serbia
Cameroon	Kenya	Sierra Leone
Comoros	Kiribati	Slovakia
Costa Rica	Lithuania	Slovenia
Côte d'Ivoire	Maldives	Sri Lanka
Croatia	Mauritania	Switzerland
Djibouti	Mauritius	Syrian Arab Republic
Dominica	Monaco	Tonga
Fiji	Montenegro	Tunisia
Gabon	Mozambique	Tuvalu
Gambia	Nauru	United Republic of
Grenada	Nicaragua	Tanzania
Guinea	Niue	Vanuatu

2.7 The Credentials Committee would like to remind Member States that in accordance with the Rules of Procedure of the governing bodies credentials must be submitted five working days prior to the opening of the sessions.

2.8 The Credentials Committee would also like to encourage Member States to follow the guidelines provided in [IOPC/2023/Circ.6](#) regarding their form and content.

3 Credentials of the Bolivarian Republic of Venezuela

3.1 Considerations at previous sessions of the governing bodies

3.1.1 At the meetings of the governing bodies held in October 2019, November 2020, March 2021, November 2021, March 2022 and October 2022, the Credentials Committee examined two 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^{<3>}.

3.1.2 In all six meetings, the Credentials Committee recommended to the 1992 Fund Assembly that the individuals listed in the credentials 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 (see documents [IOPC/OCT19/11/1](#), [IOPC/NOV20/11/2](#), [IOPC/MAR21/9/2](#), [IOPC/NOV21/11/2](#), [IOPC/MAR22/9/2](#) and [IOPC/OCT22/11/1](#)).

3.2 April 2024 sessions of the governing bodies

3.2.1 Prior to the April 2024 sessions of the governing bodies, the Director received two credentials for two separate delegations claiming to represent the Bolivarian Republic of Venezuela: one signed by the

^{<3>} H.E. Mrs Rocío Maneiro signed as 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 signed as the President of the National Assembly, and President (E) of Venezuela.

Minister of Foreign Affairs of the Bolivarian Republic of Venezuela, Mr Yvan Gil, and the other one signed by Ms Dinorah Figuera as President of the National Assembly of the Bolivarian Republic of Venezuela. The Director requested Professor Antonios Tzanakopoulos to provide an updated legal opinion on this matter (attached at the Annex to document [IOPC/APR24/1/2/1](#)).

- 3.2.2 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 IOPC Funds' governing bodies.
- 3.2.3 In considering this matter and the legal advice provided by Professor Tzanakopoulos on 25 April 2024, the Credentials Committee recommended once again that the *status quo* should continue. The Credentials Committee thus recommended that credentials of the current delegation of Venezuela issued by the Minister of Foreign Affairs of the Bolivarian Republic of Venezuela, Mr Yvan Gil, should be accepted and that the named individuals therein be deemed the official representatives for the April 2024 sessions of the governing bodies. However, the Credentials Committee also noted that this position applied to this meeting only and could be susceptible to change depending on future developments.
- 3.2.4 The Chair of the Credentials Committee presented the Interim Report of the Credentials Committee at 9:30 am on Tuesday, 30 April ([IOPC/APR24/1/2/1](#)). The 1992 Fund Administrative Council took note of the Interim Report of the Credentials Committee and decided to accredit the representative of the delegation of Venezuela designated in the credentials signed by Mr Yvan Gil, Minister of Foreign Affairs of the Bolivarian Republic of Venezuela, as the official representative of Venezuela at these sessions of the governing bodies of the IOPC Funds.
- 3.2.5 The Supplementary Fund Assembly noted the decision of the 1992 Fund Administrative Council as set out in paragraph 3.2.4 above.

4 Action to be taken

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

The governing bodies are invited to take note of the information contained in this document.
