



International Oil Pollution
Compensation Funds

Agenda Item 1	IOPC/OCT19/1/2/1	
Date	28 October 2019	
Original	English	
1992 Fund Assembly	92A24	●
1992 Fund Executive Committee	92EC673	●
Supplementary Fund Assembly	SA16	●

EXAMINATION OF CREDENTIALS

INTERIM REPORT OF THE CREDENTIALS COMMITTEE

(As at 2:30 pm at 28 October 2019)

Note by the Credentials Committee

Summary: The Credentials Committee has examined the credentials of delegations of 1992 Fund Member States and submits the following interim report.

Action to be taken:

1992 Fund Assembly

- (a) take note of the interim report of the Credentials Committee; and
- (b) decide which of the two representatives should be accredited as the official representative of Venezuela at these particular sessions of the governing bodies of the IOPC Funds.

1992 Fund Executive Committee and Supplementary Fund Assembly

- (a) take note of the interim report of the Credentials Committee; and
- (b) take note of the decision of the 1992 Fund Assembly in respect of which of the two representatives should be accredited as the official representative of Venezuela at these particular sessions of the governing bodies of the IOPC Funds.

1 Introduction

- 1.1 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, the 1992 Fund Assembly appointed a Credentials Committee consisting of the following five members and their representatives:

Russian Federation (Mr Yury Melenas)
Sweden (Mr Daniel Kjellgren)
Uruguay (Captain Gustavo Luciani)
United Arab Emirates (Mr Mohamed Khamis Saeed AlKaabi)
United Kingdom (Mr Andrew Angel)

- 1.2 The Committee met on 28 October 2019 under the chairmanship of Mr Mohamed Khamis Saeed AlKaabi.

- 1.3 The Credentials Committee presents this interim 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 58 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 as at 2:30 pm on 28 October 2019:

1992 Fund Executive Committee Members

China	Mexico	Turkey
France	Singapore	United Arab Emirates
Italy	South Africa	United Kingdom
Jamaica	Spain	

Other 1992 Fund Member States

Algeria	Germany	Norway
Angola	Greece	Panama
Argentina	Iran (Islamic Republic of)	Papua New Guinea
Australia	Ireland	Philippines
Bahamas	Latvia	Portugal
Belgium	Liberia	Republic of Korea
Bulgaria	Madagascar	Russian Federation
Cameroon	Malaysia	Saint Kitts and Nevis
Canada	Malta	Sweden
Colombia	Marshall Islands	Thailand
Croatia	Monaco	Trinidad and Tobago
Cyprus	Morocco	Uruguay
Denmark	Netherlands	Venezuela (Bolivarian Republic of)
Ecuador	New Zealand	
Estonia	Nicaragua	
Finland	Nigeria	

- 2.4 In the case of Ghana and Japan, who are participating in the sessions, the Credentials Committee has requested clarification from those delegations and expects this to be rectified during the sessions.
- 2.5 In the case of Georgia, India, Kenya, Montenegro and Qatar, who are participating in the sessions, the Credentials Committee noted that no credentials had been submitted. The Credentials Committee expects this to be rectified by the delegations before the presentation of the final Report of the Credentials Committee on Thursday 31 October 2019.
- 2.6 The Credentials Committee further noted that Estonia, Ireland, Madagascar, Saint Kitts and Nevis had presented credentials but had not attended the Monday morning session.

2.7 In respect of the credentials of the Bolivarian Republic of Venezuela, the Credentials Committee held a separate discussion as set out in section 3 below.

3 Credentials of the Bolivarian Republic of Venezuela

3.1 Prior to the October 2019 sessions of the governing bodies, the Director received two letters of credentials for two separate delegations claiming to represent the Bolivarian Republic of Venezuela – one signed by H.E. Mrs Rocío Maneiro (Ambassador, Permanent Representative to IMO and other international organisations headquartered in London, appointed by President Nicolas Maduro); and the other one signed by President Juan Gerardo Guaidó Márquez (President of the National Assembly, and President (E) of the Bolivarian Republic of Venezuela).

3.2 The Credentials Committee noted that, in accordance with its mandate, its task was to provide a recommendation to the governing bodies of the IOPC Funds as to which of the two authorities was entitled to represent Venezuela at the October 2019 sessions of the governing bodies.

3.3 In this connection, the Credentials Committee also noted that H.E. Mrs Rocío Maneiro, Venezuelan Ambassador appointed by President Maduro, has been regularly attending sessions of the of the IOPC Funds' governing bodies.

3.4 It was noted that, 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 the IMO, in her capacity as the 1992 Fund's legal adviser in matters of public international law, to provide assistance to the Credentials Committee during their deliberations. He had also requested the advice of Professor Dan Sarooshi Q.C., the 1992 Fund's legal counsel in public international law. After having examined the letter of credentials of 57 Member States, the Committee examined the two letters of credentials of Venezuela.

3.5 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 (the UN General Assembly and the 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.

3.6 In considering this issue and the legal advice received, the Credentials Committee noted that there is no consensus within the international community on this matter. It found that the absence of consensus was evident from the fact that:

- (i) delegates from President Maduro's Government continue to represent Venezuela at the United Nations;
- (ii) the Organization of American States (OAS) was unsuccessful in an attempt to adopt a formal resolution on the legitimacy of President Maduro's new term;
- (iii) the position of the European Union Member States is similarly ambivalent;
- (iv) at present, Dr Neumann who was appointed by Mr Juan Guaido, President of the Venezuelan National Assembly, is not listed as an accredited representative of Venezuela and the only accredited representative to the IOPC Funds is H.E. Mrs Maneiro, who was appointed by President Maduro; and

- (v) to date there has been no international organisation that has yet decided to withdraw credentials from a Venezuelan delegation appointed by President Maduro.

3.7 In light of the current extraordinary situation of the Bolivarian Republic of Venezuela and the above considerations, the Credentials Committee recommends that the *status quo* should continue and that the letter of credentials of the current delegation of Venezuela issued by H.E. Mrs Maneiro, who has been appointed by President Maduro, should be accepted and that the named individuals therein be deemed the official representatives for the October 2019 sessions of the governing bodies. The Committee notes, however, that this position is applicable to this meeting only and it could be susceptible to change in the coming months depending on future developments.

3.8 The Credentials Committee notes that this conclusion follows the established practice of the United Nations and other international organisations that allow the Authority that has previously been accepted as representing the State to continue to represent the State pending future developments.

4 Action to be taken

4.1 1992 Fund Assembly

The 1992 Fund Assembly is invited to:

- (a) take note of the interim report of the Credentials Committee; and
- (b) decide which of the two representatives should be accredited as the official representative of Venezuela at these particular sessions of the governing bodies of the IOPC Funds.

4.2 1992 Fund Executive Committee and Supplementary Fund Assembly

The 1992 Fund Executive Committee and Supplementary Fund Assembly are invited to:

- (a) take note of the interim report of the Credentials Committee; and
 - (b) take note of the decision of the 1992 Fund Assembly in respect of which of the two representatives should be accredited as the official representative of Venezuela at these particular sessions of the governing bodies of the IOPC Funds.
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