



International Oil Pollution
Compensation Funds

Agenda Item 1	IOPC/OCT19/1/2/2	
Date	31 October 2019	
Original	English	
1992 Fund Assembly	92A24	●
1992 Fund Executive Committee	92EC73	●
Supplementary Fund Assembly	SA16	●

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:

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 and Mr Mohamed Khamis Saeed AlKaabi presided over the meeting as Chair.

2 Examination of credentials

- 2.1 The credentials of delegations of 62 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

China ^{<1>} France Georgia Italy Jamaica	Japan Mexico Singapore South Africa Spain	Sri Lanka Turkey United Arab Emirates United Kingdom
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Other 1992 Fund Member States

Algeria Angola Argentina Australia Bahamas Belgium Bulgaria Cameroon Canada Colombia Croatia Cyprus Denmark Ecuador Estonia Finland Germany	Ghana Greece Iran (Islamic Republic of) Ireland Kenya Latvia Liberia Madagascar Malaysia Malta Marshall Islands Monaco Morocco Netherlands New Zealand Nicaragua Nigeria	Norway Panama Papua New Guinea Philippines Portugal Republic of Korea Russian Federation Saint Kitts & Nevis Saint Vincent and the Grenadines Sweden Thailand Trinidad and Tobago Uruguay Venezuela (Bolivarian Republic of)
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- 2.4 In the case of Madagascar and Saint Vincent and the Grenadines, the Credentials Committee noted that they had presented credentials but had not participated in the sessions.
- 2.5 In the case of Montenegro and Qatar, 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 session.
- 2.6 The following 1992 Fund Member States did not present credentials and did not participate in the 24th session of the 1992 Fund Assembly, the 73rd session of the 1992 Fund Executive Committee or the 16th session of the Supplementary Fund Assembly:

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

Albania	Grenada	Saint Lucia
Antigua and Barbuda	Guinea	Samoa
Bahrain	Hungary	Senegal
Barbados	Iceland	Serbia
Belize	India	Seychelles
Benin	Israel	Sierra Leone
Brunei Darussalam	Kiribati	Slovakia
Cabo Verde	Lithuania	Slovenia
Cambodia	Luxembourg	Switzerland
Comoros	Maldives	Syrian Arab Republic
Congo	Mauritania	Tonga
Cook Islands	Mauritius	Tunisia
Côte d'Ivoire	Mozambique	Tuvalu
Djibouti	Namibia	United Republic of Tanzania
Dominica	Niue	Vanuatu
Dominican Republic	Oman	
Fiji	Palau	
Gabon	Poland	

3 Credentials of the Bolivarian Republic of Venezuela

- 3.1 Prior to the October 2019 sessions of the governing bodies, the Director had 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, had been regularly attending sessions 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. The Director 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 was not the function of the IOPC Funds to decide which was 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 was simply to decide which of the two representatives should be accredited as the 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 was 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 continued to represent Venezuela at the United Nations;
 - (ii) the Organization of American States (OAS) had been unsuccessful in an attempt to adopt a formal resolution on the legitimacy of President Maduro's new term;
 - (iii) at present, Dr Neumann who was appointed by Mr Juan Guaidó, President of the Venezuelan National Assembly, was not listed as an accredited representative of Venezuela and the only accredited representative to the IOPC Funds was H.E. Mrs Maneiro, who was appointed by President Maduro; and
 - (iv) until then there had been no international organisation that had 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 recommended 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 had been appointed by President Maduro, should be accepted and that the named individuals therein be deemed the representatives for the October 2019 sessions of the governing bodies. The 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.
- 3.8 The Credentials Committee noted that this conclusion followed the established practice of the United Nations and other international organisations that allow the Authority that had previously been accepted as representing the State to continue to represent the State pending future developments.
- 3.9 The Chair of the Credentials Committee presented the interim report of the Credentials Committee at 11.30 am on Wednesday, 30 October. The 1992 Fund Assembly 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 representative of Venezuela at these sessions of the governing bodies of the IOPC Funds.
- 3.10 The Supplementary Fund Assembly noted the decision of the 1992 Fund Assembly as set out in paragraph 3.9 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.
