



Fondos internacionales de indemnización de daños debidos a contaminación por hidrocarburos

<b>Punto 1 del orden del día</b>	IOPC/NOV20/1/2/1	
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<b>Comité Ejecutivo del Fondo de 1992</b>	92EC74	●
<b>Asamblea del Fondo Complementario</b>	SA17	●

## EXAMEN DE LOS PODERES DE LOS REPRESENTANTES

### INFORME PROVISIONAL DE LA COMISIÓN DE VERIFICACIÓN DE PODERES

(A las 15.00 h del 2 de diciembre de 2020)

#### Nota de la Comisión de Verificación de Poderes

<b>Resumen:</b>	La Comisión de Verificación de Poderes ha examinado los poderes de las delegaciones de los Estados Miembros del Fondo de 1992 y presenta el siguiente informe provisional.
<b>Medidas que se han de adoptar:</b>	<p><u>Asamblea del Fondo de 1992</u></p> <p>a) tomar nota del informe provisional de la Comisión de Verificación de Poderes; y</p> <p>b) decidir cuál de los dos representantes se debería acreditar como el representante oficial de Venezuela en estas sesiones de los órganos rectores de los FIDAC.</p> <p><u>Comité Ejecutivo del Fondo de 1992 y Asamblea del Fondo Complementario</u></p> <p>a) tomar nota del informe provisional de la Comisión de Verificación de Poderes; y</p> <p>b) tomar nota de la decisión de la Asamblea del Fondo de 1992 con respecto a cuál de los dos representantes se debería acreditar como el representante oficial de Venezuela en estas sesiones de los órganos rectores de los FIDAC.</p>

## 1 Introducción

1.1 Conforme al artículo 10 del Reglamento interior de la Asamblea del Fondo de 1992 y de la Asamblea del Fondo Complementario y el artículo 9 del Reglamento interior del Comité Ejecutivo del Fondo de 1992, la Asamblea del Fondo de 1992 designó una Comisión de Verificación de Credenciales integrada por los siguientes cinco Miembros y sus representantes:

Alemania (Volker Schöfisch)  
 Federación de Rusia (Yury Melenas)  
 Japón (Iwao Shimizu)  
 Malasia (Kanagalingam Selvarasah)  
 México (Aideé Saucedo)

1.2 La Comisión celebró su reunión a distancia el 2 de diciembre de 2020 bajo la presidencia de Kanagalingam Selvarasah.

1.3 La Comisión presenta su informe provisional de conformidad con el artículo 10 del Reglamento interior de la Asamblea del Fondo de 1992.

## 2 Examen de los poderes

- 2.1 Se examinaron los poderes de las delegaciones de 69 Estados Miembros del Fondo de 1992, incluidos Estados Miembros del Comité Ejecutivo del Fondo de 1992 y del Fondo Complementario.
- 2.2 La Comisión basó sus deliberaciones en los artículos 9 y 11 del Reglamento interior de la Asamblea del Fondo de 1992 y en las orientaciones que figuran en la circular IOPC/2015/Circ.4.
- 2.3 Se observó que los poderes recibidos de los siguientes Estados Miembros estaban en regla a las 15.00 h del 2 de diciembre de 2020:

### Miembros del Comité Ejecutivo del Fondo de 1992

Canadá	Ghana	República de Corea
China <sup>&lt;1&gt;</sup>	Jamaica	Singapur
Emiratos Árabes Unidos	Japón	Sudáfrica
Francia	México	Tailandia
Georgia	Reino Unido	Turquía

### Otros Estados Miembros del Fondo de 1992

Alemania	Fiji	Nicaragua
Antigua y Barbuda	Filipinas	Nigeria
Argelia	Finlandia	Niue
Argentina	Grecia	Noruega
Australia	India	Nueva Zelanda
Bahamas	Irlanda	Países Bajos
Bélgica	Islas Cook	Palau
Bulgaria	Islas Marshall	Panamá
Camboya	Italia	Polonia
Chipre	Kenya	Portugal
Colombia	Letonia	Qatar
Croacia	Liberia	República Dominicana
Dinamarca	Luxemburgo	Sri Lanka
Dominica	Madagascar	Suecia
Ecuador	Malasia	Suiza
España	Malta	Uruguay
Estonia	Marruecos	Vanuatu
Federación de Rusia	Montenegro	Venezuela (República Bolivariana de)

- 2.4 Después de haber examinado las cartas de otorgamiento de poderes de 68 Estados Miembros, la Comisión examinó las dos cartas de otorgamiento de poderes de la República Bolivariana de Venezuela (Venezuela).
- 2.5 Por lo que se refiere a los poderes de la República Bolivariana de Venezuela, la Comisión de Verificación de Poderes mantuvo una reunión separada, como se indica en el punto 3 a continuación. Los dictámenes jurídicos emitidos por el profesor Dan Sarooshi y el profesor Antonios Tzanakopoulos se adjuntan en los anexos I y II de este documento (disponibles solamente en inglés).

<sup><1></sup> El Convenio del Fondo de 1992 se aplica únicamente a la Región Administrativa Especial del Hong Kong.

### **3 Los poderes de la República Bolivariana de Venezuela**

*Información de referencia: consideraciones en las sesiones de octubre de 2019 de los órganos rectores*

- 3.1 En octubre de 2019 el Director recibió dos cartas de otorgamiento de poderes para dos delegaciones distintas que afirmaban que representaban a Venezuela: una firmada por la embajadora Rocío Maneiro (representante permanente ante la Organización Marítima Internacional (OMI) y otras organizaciones internacionales con sede en Londres, nombrada por el presidente Nicolás Maduro) y la otra firmada por el presidente Juan Guaidó (presidente de la Asamblea Nacional y presidente de Venezuela).
- 3.2 En vista de la complejidad de este asunto, el Director había invitado a Rosalie Balkin, que fue asistente del Secretario General de la OMI y directora de su División de asuntos jurídicos y relaciones exteriores, para que prestara asistencia a la Comisión de Verificación de Poderes durante sus deliberaciones. El Director además había solicitado asesoramiento a Dan Sarooshi, el asesor jurídico en materia de derecho internacional público del Fondo de 1992.
- 3.3 La Comisión de Verificación de Poderes llegó a la conclusión de que no correspondía a la Asamblea del Fondo de 1992 decidir cuál era el gobierno legítimo de Venezuela, sino decidir cuál de los dos representantes debería ser acreditado como la delegación de Venezuela en esas sesiones de los órganos rectores de octubre de 2019.
- 3.4 De conformidad con el asesoramiento jurídico prestado, y teniendo en cuenta la situación del gobierno de Maduro en las Naciones Unidas y el hecho de que la embajadora Maneiro continuaba siendo la embajadora acreditada ante el Reino Unido, en que tienen su sede los FIDAC, la Comisión de Verificación de Poderes recomendó que se mantuviera el *statu quo* y que se aceptara la carta de otorgamiento de poderes expedida por la embajadora Maneiro a efectos de la designación de los representantes oficiales para las sesiones de octubre de 2019 de los órganos rectores. La Comisión señaló, sin embargo, que esta decisión era aplicable a esa reunión solamente y que podría cambiar en los meses venideros en función de las novedades que ocurrieran en el futuro.
- 3.5 Esta recomendación fue aceptada por la Asamblea del Fondo de 1992, de cuya decisión tomaron nota el Comité Ejecutivo del Fondo de 1992 y la Asamblea del Fondo Complementario.

*Sesiones de diciembre de 2020 de los órganos rectores*

- 3.6 Antes de celebrarse las sesiones de diciembre de 2020 de los órganos rectores el Director recibió dos cartas de otorgamiento de poderes de dos delegaciones distintas de Venezuela. La Comisión ha pasado revista a los hechos recientes y está formulando una recomendación para los órganos rectores a fin de establecer cuál de las dos autoridades está facultada para representar a Venezuela en las sesiones de diciembre de 2020 de los órganos rectores.
- 3.7 El Director ha invitado a Rosalie Balkin a prestar asesoramiento a la Comisión de Verificación de Poderes. También ha solicitado asesoramiento a Antonios Tzanakopoulos, profesor adjunto de derecho internacional público de la Facultad de Derecho de la Universidad de Oxford, quien emitió un dictamen jurídico sobre esta cuestión.
- 3.8 La Comisión de Verificación de Poderes determinó unánimemente que no corresponde a los FIDAC decidir cuál es el gobierno legítimo de Venezuela, ya que se considera que es esta una cuestión política que debe ser dilucidada en otro foro, específicamente en los órganos políticos de las Naciones Unidas (la Asamblea General y el Consejo de Seguridad). La Comisión llegó a la conclusión de que su función y la de la Asamblea del Fondo de 1992 se limita a decidir cuál de los dos representantes se deberá acreditar como representante oficial de Venezuela para estas sesiones de los órganos rectores de los Fondos y a presentar sus recomendaciones a la Asamblea del Fondo de 1992.

- 3.9 Al examinar esta cuestión y el asesoramiento jurídico recibido, la Comisión de Verificación de Poderes tomó nota de que, cuando más de una autoridad expide los poderes de las delegaciones en nombre de un mismo Estado, no hay un criterio jurídico establecido que las Naciones Unidas hayan aplicado de forma constante para determinar quién es el único representante legal de un Estado Miembro. Sin embargo, la Comisión tomó nota de que en la 74.ª sesión de la Asamblea General de las Naciones Unidas, en diciembre de 2019, la autoridad de Guaidó no pareció haber presentado poderes y que la Comisión de Verificación de Poderes simplemente aceptó los presentados por el gobierno de Maduro como representantes de Venezuela. La Asamblea General posteriormente adoptó una resolución (sin voto) en que se aprobaba el informe de la Comisión de Verificación de Poderes. Al proceder de esta manera, la Comisión señaló además que la Oficina de Asuntos Jurídicos de las Naciones Unidas considera que las decisiones de la Asamblea General sobre poderes constituyen una "orientación autoritativa" para otros órganos de las Naciones Unidas, incluso si no son vinculantes.
- 3.10 La Comisión de Verificación de Poderes tomó nota también de que, como se indica en el informe de la Comisión de Verificación de Poderes de la Asamblea General de las Naciones Unidas publicado el 23 de noviembre de 2020, los poderes presentados por el gobierno de Maduro en la 75.ª sesión de la Asamblea General en 2020 también fueron aceptados y que el proyecto de resolución propuesto por el presidente fue adoptado sin votación en esa ocasión.
- 3.11 De esta práctica puede inferirse a) que el gobierno de Maduro continúa representando y designando representantes de Venezuela ante las Naciones Unidas, sus organismos especializados y conferencias; b) que es probable que siga haciéndolo en vista de la "orientación autoritativa" ya proporcionada por la Asamblea General en 2018, 2019 y 2020; c) que se diría que la autoridad de Guaidó no ha cuestionado esa posición mediante la presentación de poderes y; d) que es muy poco probable que la Asamblea General se niegue a aceptar por iniciativa propia los poderes expedidos por el gobierno de Maduro.
- 3.12 La Comisión de Verificación de Poderes señaló también que hay dos organizaciones regionales, el Banco Interamericano de Desarrollo (BID) y la Organización de los Estados Americanos (OEA), que aceptaron la designación de representantes propuestos por la autoridad de Guaidó en 2019. Sin embargo, cabe notar que ninguna de esas dos organizaciones había establecido una Comisión de Verificación de Poderes y, por consiguiente, en el caso del BID, su Junta de Gobernadores solo tomó nota de la designación de la autoridad de Guaidó y de la revocación de toda designación previa del gobierno de Maduro.
- 3.13 De igual modo, en el caso de la OEA, a falta de una Comisión de Verificación de Poderes, es su Secretario General quien recibe los poderes e informa a la Asamblea General de la Organización. La Asamblea General aprobó el nombramiento de los representantes propuestos por la autoridad de Guaidó en junio de 2019, aunque surgieron graves desacuerdos con varios Estados que votaron contra la decisión, que finalmente fue aprobada por 19 votos afirmativos. Se contaron seis abstenciones.
- 3.14 Al considerar la posición de estas dos organizaciones regionales, la Comisión de Verificación de Poderes también tomó nota de que los FIDAC se encontraban en una situación diferente. Los FIDAC son órganos convencionales de ámbito mundial, establecidos mediante convenios internacionales adoptados bajo los auspicios de la OMI, un organismo especializado de las Naciones Unidas. La relación de los Fondos, clara, si no directa, con el sistema de la ONU favorecería la adopción de las prácticas de las Naciones Unidas, sus organismos especializados y sus conferencias en vez de las prácticas de las organizaciones regionales como las de los países de América.
- 3.15 La Comisión de Verificación de Poderes tomó nota también de que la embajadora Maneiro, nombrada por el presidente Maduro, ha asistido con regularidad a las sesiones de los órganos rectores de los FIDAC. La Comisión tomó nota además de la práctica establecida de las Naciones Unidas y otras organizaciones internacionales, que permite que la autoridad que ha sido aceptada previamente como representante del Estado continúe representándolo a la espera de las novedades que pudieran surgir en el futuro. Asimismo, la Comisión de Verificación de Poderes tomó nota de que la embajadora Maneiro sigue siendo la embajadora acreditada ante el Reino Unido, donde tienen sede los FIDAC.

- 3.16 La Comisión de Verificación de Poderes recomienda que se mantenga el *statu quo* y que se acepte la carta de otorgamiento de poderes de la delegación actual de Venezuela expedida por la embajadora Maneiro, nombrada por el presidente Maduro, y que las personas designadas en esa carta sean consideradas los representantes oficiales para las sesiones de diciembre de 2020 de los órganos rectores. La Comisión también señala, no obstante, que esta postura es aplicable a la presente reunión únicamente y que podría cambiar en los meses venideros en función de las novedades que puedan producirse en el futuro.

#### **4 Medidas que se han de adoptar**

##### **4.1 Asamblea del Fondo de 1992**

Se invita a la Asamblea del Fondo de 1992 a:

- a) tomar nota del informe provisional de la Comisión de Verificación de Poderes; y
- b) decidir cuál de los dos representantes se debería acreditar como el representante oficial de Venezuela en estas sesiones de los órganos rectores de los FIDAC .

##### **4.2 Comité Ejecutivo del Fondo de 1992 y Asamblea del Fondo Complementario**

Se invita al Comité Ejecutivo del Fondo de 1992 y a la Asamblea del Fondo Complementario a:

- a) tomar nota del informe provisional de la Comisión de Verificación de Poderes; y
- b) tomar nota de la decisión de la Asamblea del Fondo de 1992 respecto a cuál de los dos representantes se debería acreditar como representante oficial de Venezuela en estas sesiones de los órganos rectores de los FIDAC.

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***RE: ISSUE OF REPRESENTATION AND CREDENTIALS OF THE  
REPUBLIC OF VENEZUELA AT THE 1992 FUND ASSEMBLY  
MEETING IN OCTOBER 2019***

**ADVICE**

**By PROFESSOR DAN SAROOSHI Q.C.**

**QUEEN'S COUNSEL & BARRISTER,**

**ESSEX COURT CHAMBERS, LONDON**

**6 OCTOBER 2019**

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**1. INTRODUCTION**

1. There is currently within Venezuela an ongoing power struggle between Mr Juan Guaidó who claims to be acting President of Venezuela and Mr Nicolás Maduro who claims he continues on as President. Venezuela is a Contracting State of the 1992 Fund Convention, and my understanding is that the Secretariat of the 1992 Fund has recently received a Note Verbale from a new Venezuelan Ambassador appointed by Mr Guaidó indicating that the new Ambassador and several other members (deputies of Venezuela's National Assembly and an advisor) intend to attend the 1992 Fund Assembly meeting later this month. My further understanding is that the Venezuelan Ambassador appointed by Mr. Maduro has been regularly attending the 1992 Fund's Assemblies. This raises a delicate issue for the 1992 Fund: how should it proceed to decide, if it all, which of these representatives should attend the 1992 Fund Assembly meeting as representative of Venezuela and, accordingly, which of these representatives

should be issued credentials? It is on the legal aspects of this question that I have been asked to advise.

2. ***Recognition of foreign Governments and the present case of the Venezuelan Government:*** It is relatively rare for there to be consensus within the international community on whether to support and recognize a particular leader or faction as representing the Government of that State. The current case of Venezuela is no different. There is no consensus within the international community on whether to support and recognize the claim of Mr Juan Guaidó to be acting president of Venezuela as opposed to the claim by Mr Nicolás Maduro who seeks to continue on as President. According to Reuters, there are at present 50 countries that have recognized Mr Guaidó as Venezuela's acting President.
3. A number of States have acted unilaterally or through international organizations and made statements supporting and recognizing Mr Juan Guaidó, but this has in a number of cases been actively opposed.
4. For example, on 4 February 2019 the States in the European Union made a joint declaration supporting and recognizing Mr Guaidó as acting President of Venezuela, but Italy's stance prevented this from becoming an official EU position. The terms of the EU declaration provide: *“Joint statement by the UK, Spain, Portugal, Germany, Denmark, the Netherlands, France, Hungary, Austria, Finland, Belgium, Luxemburg, the Czech Republic, Latvia, Lithuania, Estonia, Poland, Sweden and Croatia. ... . . . in accordance with the provisions of the Venezuelan Constitution, they acknowledge and support Mr. Juan Guaidó, President of the democratically elected National Assembly, as President ad interim of Venezuela, in order for him to call for free, fair and democratic presidential elections.”*  
(<https://www.gov.uk/government/news/joint-declaration-on-venezuela>)
5. The OAS approved a resolution on 10 January 2019 *“to not recognize the legitimacy of Nicolas Maduro's new term”* and an extraordinary OAS session was convened on 24 January 2019 where 16 States including the US recognized

Mr Guaidó as President, but these States could not achieve the majority needed to adopt a formal OAS resolution.

6. ***The United Nations, the representation of members and their credentials:*** In the United Nations the members of a State's delegation will present their credentials to the UN Secretary-General who in turn passes them on for verification to each UN organ that has its own Credentials Committee.
7. The UN Office of Legal Affairs has stated that since the GA is the plenary UN organ that the GA's decisions on credentials provide authoritative guidance to other UN organs:

*“Each principal organ has its own rules and procedures for reviewing credentials of representatives authorized to participate in its work. Consequently decisions of the General Assembly concerning credentials are not automatically binding on other principal organs. However, the decisions adopted by the General Assembly with regard to credentials of representatives of Member States to sessions of the General Assembly provide authoritative guidance to other United Nations organs and conferences and in practice the decisions adopted by these organs and conferences always conform to the attitude adopted by the General Assembly in dealing with questions concerning representation and credentials.” (UN Juridical Yearbook (1985) at p. 129.)*

8. In the case of the General Assembly, it appoints a Credentials Committee at the beginning of each session to examine the credentials of representatives. The Committee is comprised of nine members appointed by the GA who are proposed by the President of the GA. The Committee submits a report to the Assembly which will then take a decision on credentials based on the Committees' report. A State's representative is entitled to sit, participate in the work of the Assembly and even to vote until such time as their credentials are formally approved. Pursuant to Rule 29 of the GA Rules of Procedure, even in the case where an objection has been made to the credentials of a representative, then the representative is permitted on a provisional basis to be seated and to

participate with the same rights as other Member States until the Credentials Committee has reported and the General Assembly has given its decision.

9. ***Representation and credentials in the UN in cases of competing Government authorities:*** A number of cases have arisen where the UN has been faced with more than one delegation claiming to represent the same State: e.g., Iraq in 1958, Congo in 1962, Yemen in 1962, China (as opposed to Taiwan) in 1971, Cambodia/Kampuchea from 1979 to 1991 and in 1997, Haiti in 1991, Afghanistan from 1989-2001, and Libya in 2011. In such cases it is necessary for the GA (or Security Council) to decide which of the competing authorities is to be regarded as the legally established Government and thus which authority is competent to issue credentials for the State's delegation to the UN. In the case of the UN, it is clear that when the GA decides that certain representatives are the "*only lawful representatives of a Member State*" then "*it follows automatically that the authorities accrediting those representatives constitute in the view of the General Assembly – again for its purposes – the only lawful Government of that Member State.*" (*United Nations Juridical Yearbook (1972)*, p. 155, para. 8.)
10. There is no settled legal criteria that has consistently been applied by the UN in making such determinations. There was a tendency in a number of earlier cases (e.g. Iraq in 1958 and China in 1971) to use what is referred to as the "*principle of effectiveness*" – i.e., whichever an authority can be said to exercise "*effective control*" throughout the territory of the State and is "*habitually obeyed by the bulk of the population*"<sup>1</sup> should be considered as the Government of the State, but the continuing application of this principle is now questionable given that in the more recent cases of Haiti (1991), Cambodia (1997) and Libya (2011) the GA rejected the credentials of authorities in effective control of territory or, in the case of Afghanistan (2001), the GA appeared to take into account whether the Government had come into power by constitutional means and the degree of international recognition of the Government concerned.

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<sup>1</sup> "Memorandum from the UN Secretary-General on the Legal Aspects of the Problem of Representation in the United Nations", UN Doc. S/1466, 9 March 1950.

11. Importantly, in cases where the GA fails to reach a decision on the issue of representation (e.g., Afghanistan) then the practical effect has been that the authority that had previously been accepted as representing the State was allowed to continue representing the State.
12. Specifically in relation to Venezuela in the United Nations, my understanding is that delegates from Maduro's Government continue to represent Venezuela at the United Nations. Indeed an Associated Press report dated 27 September 2019 states that Mr Guaidó's delegation was not permitted to enter UN Headquarters as the delegation of Venezuela but instead that eight Latin American countries provided members of the delegation with their credentials to allow them to enter: e.g., one Venezuelan lawmaker entered as part of Argentina's delegation with another delegate a "*Honduran adviser*", and a third as a "*Colombia expert*": (<https://www.apnews.com/eb111ac2ddb64156963a4849f933d76b>). Moreover, my understanding is that to date there has been in the General Assembly and Security Council a lack of consensus amongst Members more generally on the issue of Venezuela's leadership which has stymied the adoption of proposed Security Council resolutions recognizing Mr Guaidó as interim President.
13. ***Representation and credentials in the 1992 Fund Assembly:*** My understanding is that the 1992 Fund Assembly has – like the UN – decided that a Credentials Committee should be established at each session of the 1992 Fund Assembly to examine the credentials of Member States for sessions of the Assembly and – when the Executive Committee is held in conjunction with a session of the Assembly – also for that Committee: "Credentials and notifications for IOPC Funds Meetings", IOPC/2015/Circ.4, 30 July 2015, p.1.
14. My further understanding is that in terms of the formal requirements relating to credentials in the 1992 Fund these are as follows:

*“As provided in Rule 9 of the Rules of Procedure of the 1992 Fund Assembly<sup>2</sup> and of the Supplementary Fund Assembly and Rule 8 of the*

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<sup>2</sup> I have proceeded in this brief Advice on the basis that Rule 9 of the 1992 Fund's Rules of Procedure have not significantly changed since this IOPC Document dated 30 July 2015.

*Rules of Procedure of the 1992 Fund Executive Committee, the credentials shall be issued:*

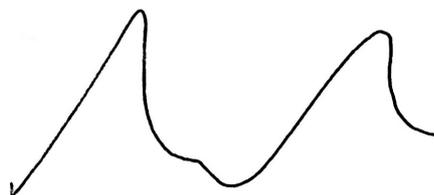
*(a) by the Head of State, the Head of Government, the Minister of Foreign Affairs or the Ambassador or High Commissioner either accredited to the country where the Headquarters of the IOPC Funds are located or where a session takes place,*

*or*

*(b) by an appropriate authority as determined by the Government and communicated to the Director. If the credentials are issued by such an authority, the text should make it clear who has given the authority to issue credentials and where such authority is a person who is not a Government employee, such authorisation shall be communicated to the Director in advance of the opening day of the Assembly.” (“Credentials and notifications for IOPC Funds Meetings”, IOPC/2015/Circ.4, 30 July 2015, p. 1 at p. 2.)*

15. At present my understanding is that there may well be two Ambassadors of Venezuela to the United Kingdom – one appointed by Mr Maduro (Mrs Maneiro) and one appointed by Mr Guaidó (Dr Neumann). As a reflection of the unique scenario at play, the UK appears to have recognised Dr Neumann as *“the official representative of President Juan Guaidó”*, but has not yet withdrawn the official accreditation for Mrs Maneiro. Indeed the *“Ambassador of Venezuela”* continues to be listed on the important London Diplomatic List as *“Her Excellency Mrs Rocio Maneiro Ambassador Extraordinary & Plenipotentiary (since 20 November 2014)”*, but Dr Neumann is not listed here as an accredited representative of Venezuela. Accordingly, there is a cogent argument that the only *“accredited”* Ambassador for the purposes of the 1992 Fund rule (above) is Mrs Maneiro and, accordingly, it is only her and not Dr Neumann who can issue credentials to a delegation to participate in the 1992 Fund Assembly.
16. But this still leaves open the possibility that Mr Guaidó may potentially issue credentials to a delegation to the extent that the 1992 Fund considers him rather than Mr Maduro as Head of State. This is, as outlined above, a complex and sensitive political issue on which different Member States of the 1992 Fund have differing views. There are two competing sets of arguments that can be made.

17. On the one hand, the argument in favour of Mr Guaidó's appointed delegation to the 1992 Funds as being treated the representatives of Venezuela is that he arguably has a greater claim to govern based on the Venezuelan Constitution as stated by a number of States and international organizations; but quite apart from one's personal preference the stronger arguments in reality would appear to be in favour of the delegation appointed by Mr Maduro since (1) there has been no international organization of which I know that has yet decided to withdraw credentials from a Venezuelan delegation appointed by Mr Maduro in favour of a delegation appointed by Mr Guaidó, indeed in the case of the influential United Nations the existing delegation appointed by Mr Maduro continues to represent Venezuela as explained above; (2) Mr Maduro's administration would appear to exercise a greater degree of "*effective control*" throughout the territory of the State than does Mr Guaidó's administration; (3) to the extent that the Credential Committee of the 1992 Fund Assembly cannot decide to remove the credentials from the existing Venezuelan representatives then there may be a cogent argument that the status quo should continue to exist as it does in the case of the UN, although of course the 1992 Fund would not appear to have a rule identical to that of Rule 9 of the GA Rules of Procedure; and (4) in the UK (though the position in the UK is by no means a decisive factor) it is only the Ambassador appointed by Mr Maduro who continues to be listed in the Diplomatic List as Venezuela's Ambassador and thus who enjoys legal privileges and immunities in the UK.
18. In sum, for the reasons set out above, it would appear that the better legal position is that the current delegation of Venezuela appointed by Mr Maduro has a better claim to represent the State than the delegation appointed by Mr Guaidó in the upcoming 1992 Fund Assembly meeting from 28-31 October 2019. This position is, of course, not set in stone and would be susceptible to change in the coming months depending on future developments.



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**6 OCTOBER 2019**

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**LEGAL OPINION**

**submitted to the**

**International Oil Pollution Compensation Funds**

**concerning**

**the representation of the Bolivarian Republic of Venezuela at the United Nations**

Professor Antonios Tzanakopoulos, Three Stone Chambers and the University of Oxford

25 November 2020

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## I. INTRODUCTION

1. The International Oil Pollution Compensation Funds ('IOPC Funds') have received two sets of competing letters of credentials for representatives of the Bolivarian Republic of Venezuela to the IOPC Funds for the purpose of the sessions of the governing bodies on 2 December 2020. The IOPC Funds will have to decide which representative should be accredited as the official representative of the State at these sessions of the governing bodies.

2. I am asked to give an opinion on 'which delegation of the Republic of Venezuela has been recognised by the United Nations and by United Nations agencies in the last months', ie since October 2019, when the IOPC Funds solicited and obtained a legal opinion on these matters by Professor Dan Sarooshi, QC. Parts II and III set out the practice of the United Nations ('UN'), its specialised agencies and conferences on credentials, and on the Bolivarian Republic of Venezuela specifically. Part IV discusses – and distinguishes – the practice in other international organisations. Part V discusses the issue from the perspective of the IOPC Funds and sets out my response on the question that has been posed to me.

3. For the purposes of preparing this Opinion, I have taken into account the 1992 Fund Assembly / 1992 Fund Executive Committee / Supplementary Fund Rules of Procedure, the United Nations General Assembly Rules of Procedure, and the practice of the UN and its specialised agencies and conferences, in particular as set out in the United Nations Juridical Yearbook, which contains opinions of the UN Office of Legal Affairs on matters of credentials. I have also considered the practice of other international organisations on these matters. I have finally drawn on the previous opinion of Professor Dan Sarooshi, QC of 6 October 2019, and on a range of primary and secondary legal sources. A full list of documents and authorities is set out in Appendix 1. My biographical information is set out in Appendix 2.

## II. UN PRACTICE REGARDING CREDENTIALS

4. The practice of the United Nations regarding credentials is that which Professor Sarooshi set out eloquently in his opinion of 6 October 2019. In summary, each UN organ establishes its own Credentials Committee in order to approve the credentials of delegations. However, the General Assembly's ('GA') decisions on credentials, on the basis of the report of the GA Credentials Committee, are considered in accordance with the UN Office of Legal Affairs ('OLA') as providing 'authoritative guidance' to other UN organs, even though they are not binding.<sup>1</sup> In fact, this also applies, beyond UN organs, also to UN conferences. In an opinion to such a UN conference in 2011, the OLA recommended that, should a question of a State's participation be raised at the conference, 'you recall that the General Assembly has accepted the State's credentials for the 65<sup>th</sup> session and that it is the practice of UN conferences to follow the guidance of the General Assembly on decisions relating to credentials'.<sup>2</sup>

5. That the same applies to specialised agencies of the UN follows from para 3 of General Assembly Resolution 396 (V) regarding 'Recognition by the United Nations of the representation of a Member State'. In that resolution, the GA, '[c]onsidering that it is in the interest of the Organisation that there should be uniformity in the procedure applicable whenever more than one authority claims to be the government entitled to represent a Member State in the United Nations', and that 'in virtue of its composition, the General Assembly is the organ of the United Nations in which consideration can be best given to the views of all Member States', '[r]ecommends that the attitude adopted by the General Assembly [...] should be taken into account in other organs of the United Nations *and in the specialised agencies*'.<sup>3</sup>

6. The GA Credentials Committee, which is composed of nine members proposed by the President of the GA and appointed by the GA at the beginning of each session,<sup>4</sup> submits a report to the General Assembly, which then decides on credentials by means of a resolution, based on the Committee's report. In practice, the GA usually merely adopts a resolution approving the report of the Credentials Committee.<sup>5</sup> Until the Committee has submitted its report

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<sup>1</sup> See United Nations Juridical Yearbook 1985, 129 and cf Sarooshi Opinion of 6 October 2019, para 7.

<sup>2</sup> United Nations Juridical Yearbook 2011, 495 para 6. For a reiteration of the OLA view referred to in the text in n 1 above, see *ibid* para 5.

<sup>3</sup> UN Doc A/RES/396(V) of 14 December 1950, para 3 (emphasis added).

<sup>4</sup> Rule 28 General Assembly Rules of Procedure.

<sup>5</sup> See for example for the last session of the GA (74<sup>th</sup>): UN Doc A/RES/74/179 of 18 December 2019.

and the GA has decided on the issue of credentials, State representatives are entitled to fully participate in the work of the Assembly, including by exercising the right to vote, even when an objection to their credentials has been raised—in the latter instance on a provisional basis.<sup>6</sup>

7. There are two instances in which the practice of the UN regarding representation and approval of credentials<sup>7</sup> becomes crucial for present purposes: (a) when there are more than one authorities issuing credentials of delegations of the same State, in which case the Credentials Committee and the GA must decide which set of credentials will be approved; and (b) when, even though there is only one authority issuing credentials of a delegation, the Credentials Committee and the GA decide to reject those credentials, and even not to allow the relevant representatives to participate in the work of the Assembly.

8. As to the former instance, Professor Sarooshi's opinion clearly sets out the legal position in paragraphs 9 and 10: 'it is clear that when the GA decides that certain representatives are the "only lawful representatives of a Member State" then "it follows automatically that the authorities accrediting those representatives constitute in the view of the General Assembly – again for its purposes – the only lawful Government of that Member State".'<sup>8</sup> Further, 'there is no settled legal criteria that has consistently been applied by the UN in making such determinations. There was a tendency in a number of earlier cases (eg Iraq in 1958 and China in 1971) to use what is referred to as the "principle of effectiveness" – ie, whichever an authority can be said to exercise "effective control" throughout the territory of the State and is "habitually obeyed by the bulk of the population",'<sup>9</sup> but in practice the Credentials Committee and the General Assembly have actually relied also on other considerations, including whether the relevant authority had come into power by constitutional means and the degree of international recognition it enjoyed.<sup>10</sup> In fact, while the principle of effectiveness had been included as an 'objective' criterion in the draft of what became General Assembly Resolution 396 (V), it was finally deleted, leaving only a reference to the purposes and principles of the UN and the

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<sup>6</sup> Rule 29 General Assembly Rules of Procedure. See also Sarooshi Opinion of 6 October 2019, para 8.

<sup>7</sup> The question whether representation of a State and approval of the credentials issued by the State's government are two sides of the same coin, whether the power to decide over one is implied in the power to decide over the other, etc, is interesting but not crucial for present purposes. For a discussion see Dan Ciobanu, 'Credentials of Delegations and Representation of Member States at the United Nations' (1976) 25 ICLQ 351.

<sup>8</sup> Referring to United Nations Juridical Yearbook 1972, 155 para 8.

<sup>9</sup> Referring to Memorandum on the Legal Aspects of the Problem of Representation in the United Nations, UN Doc S/1466 of 9 March 1950.

<sup>10</sup> See Sarooshi Opinion of 6 October 2019, para 10.

circumstances of each case.<sup>11</sup> A leading commentator wrote, accordingly, that ‘in testing the representativeness of a government, the political organs of the United Nations, like individuals governments in bilateral relations, render *an essentially political judgment*’.<sup>12</sup>

9. As to the latter instance, it is possible, and it has happened, eg with respect to South Africa from 1970 onwards and until normalisation with the fall of Apartheid in 1994, that the Credentials Committee and the GA reject the credentials of a delegation even in the absence of a competing claim by another authority to issue credentials for the State’s delegation.<sup>13</sup> This, however, appears to be extremely rare and is certainly not the issue with which the IOPC Funds are faced in the present instance. As such, a more detailed discussion is beyond the scope of the present Opinion.

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<sup>11</sup> UN Doc A/RES/396(V) of 14 December 1950, para 1.

<sup>12</sup> See Ciobanu, n 7, 370–371 (emphasis added).

<sup>13</sup> A similar situation arose in the League of Nations in 1936, when the League considered whether to approve the credentials issued by Selassie on behalf of Ethiopia, given questions as to the extent of effective control he exercised over the territory, and notwithstanding the fact that there was no competing authority claiming the power to issue such credentials.

### III. UN PRACTICE REGARDING THE REPRESENTATION OF VENEZUELA

10. In his opinion of 6 October 2019, Professor Sarooshi noted that ‘delegates from Maduro’s Government continue to represent Venezuela at the United Nations’.<sup>14</sup> Indeed, there appears to have been no submission of credentials of a delegation by the Guaidó authority, or at least none was noted in the report of the GA Credentials Committee, which held its single meeting for the 74<sup>th</sup> session of the GA on 10 December 2019.<sup>15</sup> As such, the Credentials Committee accepted the credentials of all representatives of the Member States as submitted, including those of the Maduro Government on behalf of the Bolivarian Republic of Venezuela, in a resolution that was adopted without a vote.<sup>16</sup> The Committee did note that ‘[t]he representative of the United States of America dissociated from the adoption of the Committee’s resolution, solely with respect to the acceptance of the credentials submitted by the Maduro representative on behalf of the Bolivarian Republic of Venezuela’,<sup>17</sup> but it does not appear that the US raised a formal objection.

11. In any event, the Credentials Committee recommended to the General Assembly that it adopt a resolution merely approving the Credentials Committee’s report,<sup>18</sup> which the General Assembly duly adopted on 18 December 2019.<sup>19</sup> It appears from the Official Records of the 51<sup>st</sup> Plenary Meeting of the General Assembly that that resolution was also adopted without a vote,<sup>20</sup> even though some delegations then took the floor to express their position the adoption of the report of the Credentials Committee did not signify a tacit recognition by the relevant States of the Maduro Government.<sup>21</sup> This is done out of an abundance of caution, and was done in that context also by some States with regard to State other than Venezuela. Other delegations also took the floor to express their support for the Maduro Government.<sup>22</sup>

12. As such, it was the Maduro Government that represented the Bolivarian Republic of Venezuela during the last (74<sup>th</sup>) session of the United Nations General Assembly in 2019. This appears to be the situation during the current (75<sup>th</sup>) session of the General Assembly in 2020.

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<sup>14</sup> See Sarooshi Opinion of 6 October 2019, para 12.

<sup>15</sup> See UN Doc A/74/572 of 4 December 2019 [sic], paras 5–6.

<sup>16</sup> Ibid, paras 7–8.

<sup>17</sup> Ibid, para 9.

<sup>18</sup> Ibid, para 12.

<sup>19</sup> UN Doc A/RES/74/179.

<sup>20</sup> UN Doc A/74/PV.51 of 18 December 2019, 1.

<sup>21</sup> Ibid, 1–2.

<sup>22</sup> Ibid, 2–4.

In fact, Maduro himself addressed the 75<sup>th</sup> session of the GA (though virtually, due to restrictions imposed as a consequence of the Covid-19 pandemic) on behalf of the Bolivarian Republic of Venezuela on 23 September 2020.<sup>23</sup> To the best of my knowledge there has been no submission of competing credentials on behalf of the Guaidó authority, which means that the Credentials Committee will likely make a recommendation to the GA for this session that is similar to that of last year, and that the GA will adopt a decision that is similar to that of last year. However, the report of the Credentials Committee and the decision by the General Assembly are expected after the timeframe for the meeting of the IOPC Funds bodies.

13. It should be noted, finally, that even before the decision of the GA based on the report of the Credentials Committee in December 2019, UN conferences had followed the guidance of the GA in accepting the credentials issued by the Maduro Government for the 73<sup>rd</sup> session in December 2018,<sup>24</sup> even though Guaidó declared himself interim President on 23 January 2019. The Second High-level United Nations Conference on South-South Cooperation convened in Buenos Aires on 20–22 March 2019, ie after the declaration by Guaidó, approved the report of the Credentials Committee established for that conference, and which had accepted the credentials submitted by the Maduro Government in a resolution adopted without a vote (though again with some ‘dissociations’).<sup>25</sup> Both Russia and China noted, in that connection, that the GA had accepted the credentials issued by the Maduro Government for the 73<sup>rd</sup> session of the GA,<sup>26</sup> implicitly pointing to the ‘authoritative guidance’ discussed above, in Part II of this Opinion.

14. What follows from this practice is that (a) the Maduro Government continues to represent and appoint representatives of the Bolivarian Republic of Venezuela in the United Nations, its specialised agencies, and conferences; (b) the Maduro Government is likely to continue to do so given the ‘authoritative guidance’ already given by the General Assembly in 2018 and 2019; (c) it appears that the Guaidó authority has not sought to challenge this position through the submission of competing credentials, and that it is extremely unlikely that the General Assembly will *proprio motu* refuse to accept the credentials issued by the Maduro Government.

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<sup>23</sup> See <<https://news.un.org/en/story/2020/09/1073382>> and <[https://estatemts.unmeetings.org/estatemts/10.0010/20200923/aCaK5IQSX0PR/KAwodvEAAVpK\\_en.pdf](https://estatemts.unmeetings.org/estatemts/10.0010/20200923/aCaK5IQSX0PR/KAwodvEAAVpK_en.pdf)> (both accessed 22 November 2020).

<sup>24</sup> See UN Doc A/RES/73/193 of 17 December 2018, approving the report of the Credentials Committee in UN Doc A/73/600 of 28 November 2018.

<sup>25</sup> See UN Doc A/CONF.235/5 of 20 March 2019, paras 10–14.

<sup>26</sup> *Ibid*, paras 15–16.

#### IV. PRACTICE IN OTHER INTERNATIONAL ORGANISATIONS

15. Beyond the UN system, discussed in Parts II and III of this Opinion, I am not aware of any global international organisation having switched its accreditation from representatives appointed by the Maduro Government to representatives appointed by the Guaidó authority. However, two regional organisations, namely the Inter-American Development Bank ('IDB') and the Organisation of American States ('OAS') did accept the appointment of representatives put forward by the Guaidó authority in 2019.

16. The IDB (and the Inter-American Investment Corporation) adopted resolution AG-1/19 and CII/AG-1/19, entitled 'Governor and Executive Director for the Bolivarian Republic of Venezuela' on 15 March 2019. In it, they 'take note that the Bolivarian Republic of Venezuela has designated Mr. Ricardo Hausmann as Governor of the Bank and the Corporation and that prior designations by the Bolivarian Republic of Venezuela to such position have been revoked.'<sup>27</sup> The Agreement establishing the Inter-American Development Bank simply provides in Article VIII(2)(a) that 'each member country of the Bank shall appoint a governor who shall serve at the pleasure of the appointing member.' The IDB does not set up a credentials committee, nor had it ever before faced a situation where two competing authorities were claiming the power to appoint Governors, according to the IDB's in-house counsel, writing in his personal capacity.<sup>28</sup> Given that '[a]ll the powers of the Bank shall be vested in the Board of Governors' according to the same provision noted above, the Board simply 'took note' of the designation by the Guaidó authority and of the revocation of any previous designations by the Maduro Government. There is no record of any vote, or of any relevant discussion in the Board.

17. The OAS also does not provide for a credentials committee. Rather, under Rule 27 of the OAS General Assembly Rules of Procedure, the Secretary-General receives credentials (as per Rule 3) and submits a report to the General Assembly of the Organisation. The General Assembly approved the appointment on 28 June 2019.<sup>29</sup> The relevant session did give rise to serious disagreements, with the Uruguayan delegation reportedly leaving the session in protest,

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<sup>27</sup> Doc AG-1/19 and CII/AG-1/19 of 15 March 2019, para 1.

<sup>28</sup> Félix A Quintero Vollmer, 'International Law or International Politics? The Guaidó v Maduro Conundrum at the Inter-American Development Bank' (2019) 51 U Miami Inter-American LR 118, 138.

<sup>29</sup> 2019 resolutions are not yet available on the OAS website, but a provisional version of the resolution is available as a Press Release on the website: <[https://www.oas.org/es/centro\\_noticias/comunicado\\_prensa.asp?sCodigo=D-013/19](https://www.oas.org/es/centro_noticias/comunicado_prensa.asp?sCodigo=D-013/19)> (accessed 24 November 2020).

and with eight other States voting against the decision, which was finally passed by 19 affirmative votes, there being also 6 abstentions.<sup>30</sup>

18. The first thing to note regarding this practice is that the two organisations discussed above are organisations that, to quote the IDB in-house counsel ‘share almost the same regional membership’.<sup>31</sup> The second thing to note is that the organisations that are closest to the structure and function of the IDB on a global level are the World Bank and the International Monetary Fund, which however have no Governors that have been appointed for Venezuela—the positions appear to be vacant.<sup>32</sup> This means that the Guaidó authority has either not sought, or not yet managed, to make similar appointments in these global international organisations. The organisation that is closest to the structure and function of the OAS on the global level is the United Nations, which – as discussed in Part III of this Opinion – has not switched its accreditation from the Maduro appointees to Guaidó appointees. The third and most important thing to note for present purposes is that the IOPC Funds are not particularly similar to either the IDB or the OAS. In particular, the IOPC Funds are global treaty bodies, established by treaties adopted under the auspices of the International Maritime Organisation, a UN specialised agency. Their global reference and clear – if not direct – relationship with the broader UN system would militate against aligning with practice that appears to be outlying and limited to organisations with reference to the Americas, and rather in favour of falling in with the practice of the United Nations, its specialised agencies, and its conferences. An overview of the relevant provisions regarding accreditation in the IOPC Funds, in Part V below, further confirms this by demonstrating the close relationships of those provisions with the applicable provisions in the UN system.

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<sup>30</sup> See Federica Paddeu and Alonso Gurmendi Dunkelberg, ‘Recognition of Governments: Legitimacy and Control Six Months after Guaidó’ [2019] *Opinio Juris* (18 July), available at: <<http://opiniojuris.org/2019/07/18/recognition-of-governments-legitimacy-and-control-six-months-after-guaido/>> (accessed 24 November 2020); see also Quinter Vollmer, n 28, 135.

<sup>31</sup> Quintero Vollmer, n 28, 133.

<sup>32</sup> See <<http://pubdocs.worldbank.org/en/627731541108831255/BankGovernors.pdf>> and <<https://www.imf.org/external/np/sec/memdir/members.aspx>> (both accessed 24 November 2020).

## V. THE IOPC FUNDS

19. The Rules of Procedure of the 1992 Fund Assembly, the 1992 Fund Executive Committee, and the Fund Supplementary Assembly are very similar to those of the General Assembly of the UN regarding the establishment and operation of Credentials Committee(s). They provide for the establishment at each session of a Credentials Committee. The 1992 Fund Assembly Credentials Committee, composed of five members elected by the Assembly at the proposal of the Chair, examines the credentials of delegations of Member States and reports to the Assembly.<sup>33</sup> Even if an objection is made to the admission of a representative, the representative is allowed to sit provisionally with the same rights as other representatives until the Credentials Committee has reported and the Assembly has made its decision.<sup>34</sup>

20. The Rules of Procedure of the 1992 Fund Executive Committee and the Fund Supplementary Assembly are almost identical, except for providing for fewer (three) members of the relevant Credentials Committees.<sup>35</sup> However, when these two bodies are holding sessions in conjunction with the Assembly, then the 1992 Fund Assembly Credentials Committee is the one that undertakes to examine credentials for all bodies.<sup>36</sup>

21. In the present instance, the 1992 Fund Assembly Credentials Committee will examine thus credentials for the purpose of the meetings of the other bodies as well. It has received competing credentials by the Venezuelan Ambassador to the United Kingdom, Mrs Rocío Maneiro, who indicates that she is acting as authorised by the Minister of Foreign Affairs of the Bolivarian Republic of Venezuela, as well as by Juan Guaidó as President of the National Assembly and Interim President of the Bolivarian Republic of Venezuela.

22. Ambassador Maneiro continues to be the Ambassador accredited to the United Kingdom, where the Headquarters of the IOPC Funds are located, as required by Rule 9 of the 1992 Fund Assembly Rules of Procedure. This is clear from the London Diplomatic List available

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<sup>33</sup> Rule 10 1992 Fund Assembly Rules of Procedure.

<sup>34</sup> Rule 11 1992 Fund Assembly Rules of Procedure.

<sup>35</sup> Rules 9–10 1992 Fund Executive Committee Rules of Procedure; Rules 10–11 Supplementary Fund Rules of Procedure.

<sup>36</sup> See Doc 92FUND/A/ES.9/28 of March 2005, paras 24.5–24.7.

through the UK Government,<sup>37</sup> and was acknowledged by the Court of Appeal of England and Wales as recently as October 2020.<sup>38</sup> Juan Guaidó claims to be the interim Head of Government. In the instance, then, the credentials submitted by Ambassador Maneiro clearly conform to Rule 9 of the 1992 Fund Assembly Rules of Procedure. On the other hand, for the credentials submitted by Mr Guaidó to conform to the same rule of the Rules of Procedure, the IOPC Funds would have to decide that Mr Guaidó is the Head of Government of the Bolivarian Republic of Venezuela. If the IOPC Funds were to follow UN practice in that respect, they would have to consider that, at the moment at least, this is not the case, and thus to accept the credentials submitted by Ambassador Maneiro and reject those submitted by Mr Guaidó.



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<sup>37</sup> See <[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/934312/London\\_Diplomatic\\_List\\_Master\\_List\\_November\\_2020.odt](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/934312/London_Diplomatic_List_Master_List_November_2020.odt)> (accessed 22 November 2020).

<sup>38</sup> *The 'Maduro Board' of the Central Bank of Venezuela v The 'Guaidó Board' of the Central Bank of Venezuela* [2020] EWCA Civ 1249, para 34: 'It is not disputed that HMG has continued to maintain diplomatic relations with Mr Maduro's representatives by continuing to receive at the Court of St James the Ambassador appointed by Mr Maduro and by continuing to maintain an Embassy in Venezuela with an Ambassador accredited to Mr Maduro. The Venezuelan Ambassador to the United Kingdom is Mrs Maneiro, who was appointed in November 2014 and presented her credentials to Her Majesty the Queen, and who has continued in post (and in occupation of the Venezuelan Embassy) to the present date.'

## APPENDIX 1

### Table of Authorities

#### List of Documents

Rules of Procedure of the United Nations General Assembly  
United Nations General Assembly Resolution 396 (V) of 14 December 1950  
United Nations General Assembly Resolution 73/193 of 17 December 2018  
United Nations General Assembly Resolution 74/179 of 18 December 2019  
Report of the Credentials Committee, UN Doc A/73/600 of 28 November 2018  
Report of the Credentials Committee, UN Doc A/74/572 of 4 December 2019  
51<sup>st</sup> Plenary Meeting Procès-Verbaux, UN Doc A/74/PV.51 of 18 December 2019  
Report of the Credentials Committee [of the Second High-level United Nations Conference on South-South Cooperation], UN Doc A/CONF.235/5 of 20 March 2019  
[IDB] Resolution AG-1/19 and CII/AG-1/19 of 15 March 2019  
[IOPC Funds] Doc 92FUND/A/ES.9/28 of March 2005

#### List of Cases

*The ‘Maduro Board’ of the Central Bank of Venezuela v The ‘Guaidó Board’ of the Central Bank of Venezuela* [2020] EWCA Civ 1249

#### List of Other Authorities

Dan Ciobanu, ‘Credentials of Delegations and Representation of Member States at the United Nations’ (1976) 25 ICLQ 351  
Federica Paddeu and Alonso Gurmendi Dunkelberg, ‘Recognition of Governments: Legitimacy and Control Six Months after Guaidó’ [2019] *Opinio Juris* (18 July), available at: <<http://opiniojuris.org/2019/07/18/recognition-of-governments-legitimacy-and-control-six-months-after-guaido/>>  
Félix A Quintero Vollmer, ‘International Law or International Politics? The Guaidó v Maduro Conundrum at the Inter-American Development Bank’ (2019) 51 *U Miami Inter-American LR* 118  
United Nations Juridical Yearbook 1972  
United Nations Juridical Yearbook 1985  
United Nations Juridical Yearbook 2011

## APPENDIX 2

### Biographical Information

Antonios Tzanakopoulos is Associate Professor of Public International Law at the University of Oxford, a Fellow of St Anne's College, and door tenant at Three Stone Chambers in Lincoln's Inn. He advises States, international organisations, and other actors on matters of international law and has acted as counsel before the International Court of Justice and international arbitral tribunals. His publications include *Disobeying the Security Council – Countermeasures Against Wrongful Sanctions* (Oxford 2011), the leading treatise on reactions to illegal acts by international organisations.